

Ordinance _____

An ordinance of the Missoula City Council amending Missoula Municipal Code Title 13, entitled “Public Services,” by clarifying department standards, language and processes, removing redundant sewer development fee language, combining language for latecomer’s fee for privately financed public utility system improvements, removing and redirecting language to the department manual, revising definitions, and adding requirements for a conversion from flat rate to metered service upon property transfer, to be effective on July 24, 2024.

Be it ordained that Sections 13.02.010, 13.02.030, 13.02.080, 13.02.100-.150, 13.04.090, 13.04.130, 13.27.030, 13.27.410, 13.30.460, 13.30.580, and 13.30.1000-.1020 of the Missoula Municipal Code are hereby amended:

Title 13

PUBLIC SERVICES*

Chapters:

- 13.01 Definitions
- [13.02 Municipal Utility Rates and Charges](#)
- [13.04 Sewer Regulations](#)
- [13.06 Industrial Wastewater \(Repealed\)](#)
- [13.07 Wastewater Pretreatment Regulations](#)
- [13.08 Sewer Service Regulations](#)
- [13.10 Phosphorus Content of Wastewater Discharges](#)
- [13.11 Water Development Fees](#)
- [13.12 Protection of Water Mains](#)
- [13.16 Drain Layers](#)
- [13.18 Wastewater Haulers](#)
- [13.20 Privy Vaults and Cesspools \(Repealed\)](#)
- [13.24 Gas](#)
- [13.26 Missoula Valley Water Quality Ordinance](#)
- [13.27 Stormwater Management](#)
- [13.28 Electrical and Natural Gas Regulations](#)
- [13.310 Municipal Water Utility](#)

Chapter 13.02

MUNICIPAL UTILITY RATES AND CHARGES

Sections:

- [13.02.010 Definitions](#)
- [13.02.020 Applicability](#)
- [13.02.030 City utility rates, charges, and fees to be established and adopted by resolution](#)
- [13.02.040 Customer of utility deemed to have contractual agreement](#)
- [13.02.050 Billing and notification of utility service charges](#)
- [13.02.060 Flat rate water accounts – Billing](#)
- [13.02.070 Penalties for violation including late payment](#)
- [13.02.080 Utility service deposit may be required](#)
- [13.02.090 Utility bills for rental properties](#)
- [13.02.100 Past balance – Refusal of service](#)

[13.02.110 Delinquent utility bill payment – Notice](#)

[13.02.120 Failure to comply with rules – Service disconnection – Fee](#)

[13.02.130 Property assessment after completion of sewer and/or annexation – Exception](#)

[13.02.140 Sewer development fee](#)

[13.02.145~~50~~ Latecomer's fee for privately financed public sewer-utility system improvements](#)

[13.02.150 Connection permit regulations](#)

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

- A. “Charge” means an expense or cost that is a set amount of money due and payable for a utility service whereby all users in a category will pay the same amount.
- B. “Customer” means any person or entity that has a City of Missoula utility account.
- C. “Fee” means a fixed charge for a specific service.
- D. “Rate” means a charge per unit of measure, e.g., rate per cubic foot of water used.
- E. “Property Owner” means the owner of record of real property, including structures, which is or may be served with any utility service by the City of Missoula.
- F. “Utility” means any and all City-owned and operated utilities, including but not limited to municipal water, sanitary sewer, and stormwater.
- G. “Utility System” means any piece of the Stormwater System, Municipal Water Utility, Public Sewer, and Septic Tank Effluent Pump (STEP) Sewer as defined elsewhere in Title 13.
- H. “Utility Service Appeals Committee” means a committee consisting of the City of Missoula’s Public Works Director, Deputy Public Works Director – Utilities, ~~division superintendent~~[Business Managers](#), and Public Works Committee chairperson, or designee for any of these positions. (Ord. 3662, 2021)

13.02.030 City utility rates, charges, and fees to be established and adopted by resolution.

Pursuant to Mont. Code Ann. § 7-13-4304, the City Council shall fix and establish the utility rates, charges, and fees for all utilities, including but not limited to municipal water, sanitary sewer, and stormwater, by resolution after conducting a public hearing. The utility rate schedule ~~and the Public Works and Mobility Fee Schedule, which includes a schedule of rates, service charges, and fees, are~~ available in the City Clerk’s Office, ~~utility offices~~[the utility billing office](#), and on the city website. Future utility rate schedules will be adopted by City Council resolution. If any provision of the utility rate schedule is inconsistent with any provision of this chapter, the provisions of this chapter shall prevail.

(Ord. 3662, 2021)

13.02.080 Utility service deposit may be required. The ~~Utility Billing Department~~[City](#) may require a property owner or tenant to pay a deposit ~~at the time the account is opened or if there is customer’s utility service account falls into the credit rating of moderate, fair, or poor within the utilities’ customer information system due to~~ multiple delinquent payments.

(Ord. 3662, 2021)

13.02.100 Past balance – Refusal of service. The utility may refuse service to any delinquent customer or property owner owing the City for utility service at the present location, a previous location, or any additional locations until such past balance has been paid or satisfactory arrangements for payment have been made ~~through the Utility Billing Department~~. These same provisions shall apply and the utility may refuse service to any other member of the same household or firm when application by this member, in the opinion of the [City](#), may be a means of evading payment of the delinquent utility bill. The customer may appeal the decision to the Utility Service Appeals Committee.

(Ord. 3662, 2021)

13.02.110 Delinquent utility bill payment – Notice.

- A. Whenever a utility bill has been delinquent for 30 days in any sum or amount, the ~~Utility Billing Department~~City shall at once notify the tenant and property owner by such means and at such address as seems most likely to give the tenant and property owner actual notice of the delinquency and shall advise the tenant and property owner that unless such delinquent bill is paid in full within 10 days from the date of mailing the notice, water service may be disconnected immediately and will not be turned on again until such default is collected or a payment arrangement is approved by the ~~Utility Billing Department~~City. The total amount due may include reconnect charges, as appropriate to cover the cost of turning the water service off and on.
- B. Partial utility bill payments will be applied to stormwater charges first, to sanitary sewer charges next, and finally to the municipal water charges.
- C. If there is no other reasonable means of notice, a notice given by certified mail, deposited in the United States first-class mail, postage prepaid, addressed to the tenant and property owner at the address of record ~~in the Utility Billing Department~~with the City shall be deemed reasonable notice.
- D. All utility charges shall be and remain a lien upon the real property subject to the charges until paid. The City may, in addition to pursuing the collection of assessments in the same manner as a tax, bring suit in any court of competent jurisdiction, including City Court, to collect the amount due and owing, including penalties and interest, as a debt owing the City.

(Ord. 3662, 2021)

13.02.120 Failure to comply with rules – Service disconnection – Fee. For failure to comply with the rules and regulations established as a condition to connect to a utility, the municipal water ~~or sanitary sewer~~ service may be disconnected until the property owner is in full compliance and has paid any fees associated with the service being disconnected and reconnected, as provided in the ~~utility rate schedule~~Public Works and Mobility Fee Schedule.

(Ord. 3662, 2021)

13.02.130 Property assessment after completion of sewer and/or annexation – Exception.

- A. At any time after the completion within the city limits of any part or portion of the City's sanitary sewer system and after such part or portion shall have been certified by the city engineer as ready for use, all properties immediately connecting to the sanitary sewer system shall be billed with the next regular billing cycle. The ~~Utility Billing Department~~City shall send a notice to the owners of all properties not immediately connecting to the sewer system, but which have water service or a well connecting to a building and thus are capable of producing sewage and are adjacent to or abutting the sewer lateral, that they will be assessed for sewer use charges set forth in this chapter with the first regular utility billing after the expiration of three months from the date of said notice.
- B. Upon discovery of properties within city limits and which have water service or a well connecting to a building and thus are capable of producing sewage and are adjacent to or abutting the sewer lateral but are not yet connected to the sewer system, the ~~Utility Billing Department~~City shall send a notice to the owners of the properties or their agents that they will be assessed for sewer use charges set forth in this chapter with the first regular utility billing after the expiration of three months from the date of said notice.
- C. After city annexation of any real property into the city, the City Council shall have the power after one year's notice to owners or agents of owners of property within an area served by part of the City's sanitary sewer system that the City shall assess against any such property adjacent to or abutting a municipal sewer lateral, the sewer use charges set forth in this chapter, whether such property is connected to the sewer system or not, provided the property has water service or a well connecting to a building and is thus is capable of producing sewage. The ~~Utility Billing Department~~City shall be responsible for notifying property owners pursuant to this section after the matter is referred to and acted upon by the City Council.

(Ord. 3662, 2021)

13.02.140 Sewer development fees.

A. Sewer Development Fee. Any party desiring to connect to the sanitary sewer system shall be subject to the sewer development fee listed in the [utility Public Works and Mobility WWM Fee Schedule rate schedule](#).

~~B. Capacity Unit. For purposes of this ordinance, a capacity unit for determining the sewer development fee will be determined by the size of the water meter for potable water servicing the unit or facility connecting to the sanitary sewer system. The capacity units will be determined as follows:~~

~~-~~

Water Meter Size	Capacity Unit
5/8 inch	1.0
3/4 inch	1.5
1 inch	2.5
1½ inches	5.0
2 inches	8.0
3 inches	15.0
4 inches	25.0
6 inches	50.0
8 inches	90.0

~~-~~

~~1. For those units or facilities without a water meter, the capacity unit shall be determined by the water meter size in a facility or unit that is a similar size and similar use to the one seeking to connect to the sewer.~~

~~-~~

~~2. A water meter attached to a water line that is devoted exclusively to providing fire protection services or landscape irrigation services shall be exempt from the sewer development fee and shall not be considered in determining the capacity units.~~

~~-~~

~~3. The sewer development fee for an industrial or commercial facility that uses water to produce a product containing water may be revised by the Development Services Director or designee based upon the designed average daily sewer flow as submitted by the facility's engineer or architect. One capacity unit equals 238 gallons per day.~~

~~-~~

~~C. Exemptions. All properties currently being assessed the sewer use charge per Section 13.02.030 of the Missoula Municipal Code shall be exempt from paying the sewer development fee except as provided in Section D below: [pay a prorated Sewer Development Fee based on the length of time they have been paying sewer use charges, as described in the below table: ublic Work and Mobility](#)~~

Length of time sewer use charges have been paid at this property	% of Sewer Development Fee to be charged
Less than 1 year	100%
1-2 years	90%
2-3 years	80%
3-4 years	70%

<u>4-5 years</u>	<u>60%</u>
<u>5-6 years</u>	<u>50%</u>
<u>6-7 years</u>	<u>40%</u>
<u>7-8 years</u>	<u>30%</u>
<u>8-9 years</u>	<u>20%</u>
<u>9-10 years</u>	<u>10%</u>
<u>More than 10 years</u>	<u>0%</u>

-

~~D. Water Meter Increase. Whenever a property owner requests a permit to connect to an existing larger or additional sewer service or requests a larger or additional sewer service and in addition installs a larger sized water meter, said owner shall pay to the City an incremental sewer development fee based upon subtracting the smaller capacity unit with the existing water meter from the larger capacity unit with new water meter. No refund shall be made to any sewer users who decrease their total capacity units.~~

-

~~E. Credit for Excess Capacity. When an applicant for a sewer connection permit is required to pay for sewer improvements that are extra capacity, general benefit facilities, the applicant may request that the cost for the extra capacity paid by the applicant become a credit against the sewer development fee for properties of the applicant served by installed sewer improvements. If the applicant enters into a Latecomers Agreement in accordance with MMC Section 13.04.130 will not be eligible to receive a Credit for Excess Capacity. The Development Services Director of Public Works and Mobility or designee will determine the amount of the credit based upon the cost of the approved extra capacity, general benefit facilities.~~

-

~~F. Payment. The sewer development fee is to be paid in full by the party seeking connection before a sewer connection permit for connection of the sewer to a building is issued.~~

-

~~G. Payment Alternatives. Arrangements for alternative means of payment may be made as described in the following:~~

- ~~1. The sewer development fee may be paid through a special improvement district at the discretion of the City.~~
- ~~2. The sewer development fee may be considered part of the costs of the sewer connection in the Sewer Loan Program per Chapter 3.18 of the Missoula Municipal Code.~~
- ~~3. A property owner whose sewer development fee will exceed \$5,000.00 may execute a written agreement with the City to pay any required sewer development fee in equal, semi-annual payments for a number of years not exceeding a total of five years with no interest charge on the outstanding balance owed for the sewer development fee. These equal, semi-annual installments shall be due and payable on November 30 and May 31 of each year. In addition to the required sewer development fee, property owner shall pay an administrative fee, as specified in the utility rate schedule, per sewer connection to the City to initiate and administer this agreement. The administrative fee is to be paid to the City prior to initiating the agreement and deposited in the City General Fund.~~
- ~~4. Sewer development fee semi-annual payments not paid on the due date shall be a lien upon the real property subject to the fee until paid and may be assessed a penalty pursuant to Section 13.02.070 of the Missoula Municipal Code.~~

-

~~H. Use of Fee. All funds received in payment of the sewer development fee shall be deposited in a segregated account. Funds shall be expended for expansion inclusive of payment of debt service for general benefit sewerage facilities. General benefit sewerage facilities are defined as public sewer treatment facilities, public sewer lift stations, and public sewer collection system except sewer mains less than 10 inches in diameter. Expenditures of these funds shall be set forth by the City Council in its capital improvements program and/or annual budget.~~

-

~~I. Appeals. A decision made by the Development Services Director of Public Works and Mobility under this ordinance may be appealed to the Utility Service Appeals Committee.~~

(Ord. 3662, 2021; Ord. 3673, 2021)

13.02.14550 Latecomer's fee for privately financed public sewer-utility system improvements

- A. Property owners or developers ("Developers") may contract to install public water, sewer, or stormwater utility infrastructure within public rights-of-way or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any such public utility infrastructure improvements ("Improvements") must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.
- ~~B. In certain circumstances, the Improvements may benefit adjacent properties or the City may request the Developer to provide extra capacity with the Improvements beyond the minimum capacity required for their development, for the purpose of serving other developable properties.~~
- ~~C. Two potential methods are available for financing the cost of the Improvements. Utility Upsizing is one option in situations where extra capacity may benefit a large number of properties and the City's sewer utility pays for the cost of the extra capacity. The second option is for the Developer installing the Improvements ("the Sponsor") may to finance the cost of the Improvements but enter into a Latecomer's Agreement with the City, through which other later owners seeking to develop their-a that property benefitsting from the Improvements shall pay the Sponsor a proportionate share of the total cost of the facilities. Latecomer's Agreements are intended for situations in which the Improvements are intended to serve a finite number of properties. Determination of whether a Latecomer's Agreement is appropriate in any given case is at the sole discretion of the City. The City Engineer has the discretion to determine if upsizing facilities are necessary or if a Latecomer's Agreement is appropriate and the Sponsor has the discretion to determine which financing mechanism is most appropriate.~~
- D. The Director of Public Works & Mobility is authorized to adopt administrative rules or official management directives addressing eligible projects, the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer these Latecomer's Agreements.
- C. Any Latecomer's Agreement that is developed pursuant to these adopted rules will require City Council approval.
- D. Owners of any properties subject to a Latecomer's Agreement shall be provided a copy of the Latecomer's Agreement in writing.
- E. An executed Latecomer's Agreement shall remain in effect for ten (10) years after the date the Latecomer's Agreement is executed. Upon the approval by City Council the timeframe can be extended up to 20 years for projects with extraordinary circumstances (for example, the construction of a water tank). The Developers connecting to the Improvements shall pay fee shall include a 5% administrative fee to offset the City's cost of administering the program. The administrative fees shall be deposited in the enterprise fund associated with the Improvement.
- F. Latecomer's Fees cannot be combined with other refund or crediting systems provided by the Missoula Municipal Code or administrative rules.
- G. Once a Latecomer's Agreement has been approved by the City, for a period of ten (10) years after the City's approval and acceptance of the Improvements, no property owner or their representative desiring to connect to those Improvements shall be issued any utility connection permit, be allowed to tap the utility main, or otherwise connect to the utility infrastructure that are

part of the Improvements until their proportionate latecomer's fee has been paid to the City Finance Officer or designee.

13.02.150 Connection permit regulations.

- A. Prior to the issuance of an ~~an excavation~~ permit for connection of a building to a City sanitary sewer main, a connection fee listed in the Public Works and Mobility Fee Schedule shall be paid to the City when connecting a building to:
1. A sanitary sewer main that was financed by general obligation bond funds.
 2. A sanitary sewer main that was financed by special improvement district bonds and the property connecting to the sewer main was not included nor assessed in the special improvement district.
 3. A sanitary sewer main that was financed by private funds or public funds and the property connecting to the sewer main did not contribute monetary funds or other valuable consideration, approved in subsection D below, to construct the sewer main nor paid a latecomers agreement fee associated with a City-approved latecomers agreement in accordance with Section 13.04.130.-
 3. ~~A sanitary sewer main that was financed by private funds or public funds and the property connecting to the sewer main did not contribute monetary funds or other valuable consideration to construct the sewer main nor paid the private sewer rebate in accordance with Section 13.04.130.~~
- B. ~~The connection fee shall be calculated as \$25 per linear foot of lot fronting the main. For lots that have no frontage adjacent to the sewer main (ex. lots that are accessed via a driveway easement), the lot frontage for purposes of determining the connection fee shall be calculated as the square root of 1/3 of the lot area, based on a typical width/depth ratio of 3.0~~
- C. Use of Connection Fees: All funds received in payment of a connection fee shall be deposited in the sewer fund.
- CD. The City may enter into agreements to accept other considerations from properties in lieu of or as a credit toward the sewer connection fee.
(Ord. 3662, 2021)

Title 13.04

SEWER REGULATIONS*

Sections:

- 13.04.010 Connections with public sanitary sewers-Required.
- 13.04.020 Connection to public sanitary sewer upon property transfer - Required
- 13.04.030 Record of Non-Compliance with this chapter.
- 13.04.040 Authority to order sewer connection-Notice
- 13.04.045 Revised
- 13.04.050 Failure to connect.
- 13.04.060 Separate and independent connections for buildings
- 13.04.061 Revised
- 13.04.062 Revised
- 13.04.070 Sewer Service Laterals Ownership and Responsibility
- 13.04.080 Prohibited connections.
- 13.04.090 Sewer pipe.
- 13.04.100 Inspection
- 13.04.110 Entering manhole--Depositing material
- 13.04.120 Damaging, tampering with, etc., sewage works

13.04.130 Latecomer's fee for privately financed public sanitary sewer main extensions

13.04.140 Prohibited practices

13.04.090 Sewer pipe. ~~This section applies to all Ssanitary sewer pipes from two (2) feet outside the face of a building or structure to the sewage treatment plant, and to all storm sewer pipes, shall conform to the current edition of Missoula City Public Works Standards and Specifications. (Ord. 3336, 2007; Ord. 2340 (part), 1983).~~

~~**A. Pipe diameter.** Minimum size for private gravity sanitary sewer service lines shall be four (4) inches diameter. Minimum size for a private sanitary sewer service line for commercial or industrial properties shall be six (6) inches unless approved by the City Engineer. Minimum size for public sanitary sewer mains or laterals shall be eight (8) inches diameter unless approved by the City Engineer. Minimum size for all storm sewer mains shall be twelve (12) inches. In all cases, sewers shall be of sufficient size to accommodate the property they are intended to serve, as approved by the City Engineer. (Ord. 3336, 2007; Ord. 2340 (part), 1983).~~

~~**AB. Materials and installation.** All pipe materials, appurtenant materials, and installation shall conform to the current city standards and specifications as established by the City Engineer. (Ord. 3336, 2007; Ord. 2340 (part), 1983). [Compiler's Comments: This section used to be titled "Damaging, tampering with, etc., sewage works" and has been changed to read "Sewer pipe" according to Ord. 3336 adopted 2007]~~

13.04.130 Latecomer's fee for privately financed public sewer system improvements

~~A. Property owners or Developers ("Developers") may contract to install public sewer system improvements within public rightsofway or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any public sewer system improvements ("Improvements") must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.~~

~~B. In certain circumstances, the Improvements may benefit adjacent properties or the City may request the Developer to provide extra capacity of the Improvements beyond the minimum capacity required for their development, for the purpose of serving other developable properties.~~

~~C. Two potential methods are available for financing the cost of the Improvements. Utility Upsizing is one option in situations where extra capacity may benefit a large number of properties and the City's sewer utility pays for the cost of the extra capacity. The second option is for the Developer installing the facilities Improvements ("the Sponsor") to finance the cost of the Improvements but enter into a Latecomer's Agreement with the City through which other developers benefitting from the Improvements pay the Sponsor a proportionate share of the total cost of the facilities. Latecomer's Agreements are intended for situations in which the Improvements are intended to serve a finite number of properties. The City Engineer has the discretion to determine if upsizing facilities are necessary or if a Latecomer's Agreement is appropriate and the Sponsor has the discretion to determine which financing mechanism is most appropriate.~~

~~D. The Director of Public Works & Mobility is authorized to adopt administrative rules addressing eligible projects, the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer these Latecomer's Agreements.~~

~~C. Any Latecomer's Agreement that is developed pursuant to these adopted rules will require City Council approval.~~

~~D. Owners of any properties subject to a Latecomer's Agreement shall be provided a copy of the Latecomer's Agreement in writing.~~

~~E. An executed Latecomer's Agreement shall remain in effect for ten (10) years after the date the Latecomer's Agreement is executed. Upon the approval by City Council the timeframe can be extended up to 20 years for projects with extraordinary circumstances. The fee shall include a 5% administrative fee to offset the City's cost of administering the program. The administrative fees shall be deposited in the wastewater enterprise fund.~~

~~F. Latecomer's Fees cannot be combined with other refund or crediting systems provided by the Missoula Municipal Code or administrative rules.~~

~~G. Thereafter, within ten (10) years after the city's acceptance and approval of the Improvements, no property owner or their representative desiring to connect to those Improvements shall be issued any sewer connection permit or be allowed to tap the sewer main until their proportionate latecomer's fee has been paid to the City Finance Officer or designee.~~

~~13.04.130 Latecomer's fee for privately financed public sanitary sewer main extensions.~~

~~A. Private property owners may contract to install public sewer mains within public rights-of-way or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any public sewer main must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.~~

~~B. Once acceptance and approval of any installed public sewer main has occurred, property owners who financed the installation of the public sewer main, if interested, may request the city to establish a latecomer's agreement for them for future connections to the newly installed public sewer main. The Development Services Director is authorized to adopt administrative rules addressing the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer such a program.~~

~~C. If a latecomer's agreement request is submitted after the city's acceptance and approval of an installed public sewer main, any latecomer's agreement for that public sewer main shall remain in effect for up to ten (10) years after the city's acceptance and approval of the public sewer main. Thereafter, within ten (10) years after the city's acceptance and approval of the public sewer main, no property owner or their representative desiring to tap that public sewer main to connect a building or structure shall be issued any sewer connection permit or be allowed to tap the sewer main until their proportionate latecomer's fee has been paid to the City Finance Officer or designee. If the sewer main is tapped for a sewer service lateral that is extended only to the property line, payment of the latecomer's fee is delayed until the building or structure is connected to the sewer service lateral and is to be paid only if the building or structure is connected to the public sewer main within ten (10) years after the city has accepted and approved the public sewer main. The amount of the latecomer's fee is to be a proportion of the original property owner's total construction and engineering cost to install the public sewer main, excluding any accrued interest, financing costs, or costs of land or easements dedicated by the property owner. In addition to the latecomer's fee, the property owner or their representative desiring to tap the public sewer main shall pay an administrative fee to the city amounting to five percent (5%) of the latecomer's fee. The administrative fee shall be payable to the city and deposited in the city general fund.~~

~~(Ord. 3637, 2019; Ord. 3492, 2013; Ord. 3336, 2007; Ord. 2679, 1989; Ord. 2571, 1987).~~

CHAPTER 13.27 STORMWATER MANAGEMENT

13.27.030

Definitions

"Stormwater" means precipitation and melted snow that runs off impervious surfaces, like roads, sidewalks, and rooftops, and pervious surfaces like yards, potentially carrying pollutants. It eventually drains into local waterways and/or the stormwater system.
~~stormwater runoff, snow melt runoff, and surface runoff and drainage. The City has relied on MDEQ's use of the term as two words, per the MS4 Permit. However, MDEQ uses the compound word in its Construction General Permit.~~

Article IV. Construction Activity

Sections:

[13.27.410 Permit–Application–Fee](#)

13.27.410 Permit Application Fees

- A. Stormwater Permit and Dry Well Approval fees are based on the average direct and indirect costs to provide plan reviews, permit administration, field inspection, and record management. The fee for obtaining a permit shall be established or amended by City Council resolution after conducting a public hearing.
- B. These fees are provided on the Engineering Fee Schedule.
- C. Revenue from these fees shall be credited to the [general appropriate City](#) fund. (Ord. 3580, 2016; Ord. 3659, 2020)

CHAPTER 13.30 MUNICIPAL WATER UTILITY

Articles:

[Article I General Provisions](#)
[Article II Municipal Water Regulations](#)
[Article III Water Charges and Fees](#)
[Article IV Main Extensions and Material Specifications](#)

Article II. Municipal Water Utility Regulations

Sections:

[13.30.210 Transmission Line Connection – Standards](#)
[13.30.220 Water Main Location](#)
[13.30.230 Water Service Line Location](#)
[13.30.240 Waster Service Line Installation and Maintenance](#)
[13.30.250 Service Tap - Restrictions](#)
[13.30.260 Reserved](#)
[13.30.270 Interruption of Service by the Missoula Water Division](#)
[13.30.280 Responsibility for Boilers](#)
[13.30.290 Reserved](#)
[13.30.300 Use of Water Restricted](#)
[13.30.310 Separate Water Service Required](#)
[13.30.320 Reserved](#)
[13.30.330 Curb Cock – Curb Box Requirements](#)
[13.30.340 Duty to Maintain Curb Cock and Curb Box](#)

[13.30.350 Duty to Maintain and Protect Fixtures](#)
[13.30.360 Service Shut-Off Inside Building](#)
[13.30.370 Waste of Water Prohibited](#)
[13.30.380 Sprinkling Restrictions](#)
[13.30.390 Mapping of Service Lines](#)
[13.30.400 Standard of Work on Municipal Water System](#)
[13.30.410 Missoula Water Division Access to Buildings](#)
[13.30.420 Meters – Ownership - Testing](#)
[13.30.430 Size of Meter](#)
[13.30.440 Fire Service Lines](#)
[13.30.450 Permanent Disconnection of Water Service Line](#)
[13.30.460 Compliance with Standard Specifications](#)
[13.30.470 Reserved](#)
[13.30.480 Reserved](#)
[13.30.490 Reserved](#)
[13.30.500 Prohibited Use of Water – Disconnection of Services](#)
[13.30.510 Unlawful Use of Municipal Water Utility Property](#)
[13.30.520 Illegal Connection to the Municipal Water Utility](#)
[13.30.530 Meter Reading and Repairs](#)
[13.30.540 Water Meters - Misdemeanors](#)
[13.30.550 Reserved](#)
[13.30.560 Water Pipes – Interference with Prohibited](#)
[13.30.570 Water - Misappropriation](#)
[13.30.580 Conversion from flat rate to metered service upon property transfer-required.](#)
[13.30.590 Reserved through](#)
[13.30.690](#)

13.30.460 Compliance With Standard Specifications. All excavation and appurtenant work on the Municipal Water Utility and water service lines shall be performed in compliance with the current edition of the Missoula [City Public Works Standards and Specifications Water Division Standard Specifications](#), copies of which are available at the City Clerk's Office and available on the City web site. (Ord. 3576, 2016)

13.30.580 Conversion from flat rate to metered service upon property transfer-Required.

Within the Missoula city limits, it is unlawful for any person to sell, transfer or convey any real property containing plumbed buildings or structures that have flat rate water accounts or non-functional water meters until a water meter has been installed and the account is converted to metered service, except as provided in (D) below.

A. Property owner and purchaser responsibility – Required. Property owner and purchaser shall arrange to have the City install an approved water meter on the property prior to recording the deed or conveyance transferring ownership to the purchaser at their own expense. If ~~Missoula Water~~the City personnel cannot install the meter without plumbing modifications, the property owner or purchaser will be responsible to hire a plumber to make the plumbing modifications and install the meter provided by ~~Missoula Water~~the City.

B. The water meter will be allowed to be installed in the house provided the house plumbing meets ~~Missoula Water~~the Public Works Department's requirements, including:

1. The water meter cannot be installed in a crawl space
2. The water meter cannot be installed downstream of any branch connection
3. The water meter cannot be installed in an inaccessible location such as behind a wall

C. If the house plumbing cannot meet the requirements of 13.30.580(B), the meter will be required to be installed in a meter pit near the property line in accordance with ~~Missoula Water~~City requirements.

D. In the event that the meter must be installed in a meter pit, the Public Works director shall grant a one (1) time delay with evidence of a property owner/purchaser negotiated financial holdback, upon request of the property owner and/or purchaser, up to a maximum of six (6) months when extenuating circumstances prohibit immediate installation of a water meter pit on a property being sold at the director's discretion.

E. Exception. In the event of a foreclosure, the financial or lending institution to which a mortgage lien or trust indenture was given is exempt from 13.30.580 (A). This exemption is applicable only to the transfer of a property from the owner to the foreclosing financial or lending institution.

13.30.580 – 13.30.690 Reserved
(Ord.3576, 2016)

Article IV Main Extensions and Material Specifications

Sections:

[13.30.1000 2016 Edition of the Missoula Water Division Standard Specifications - Adopted](#)

[13.30.1010 Water Main Extensions](#)

[13.30.1020 Latecomer's fee for privately financed public water main extensions](#)

~~**13.30.1000 2016 Edition of the Missoula Water Division Standard Specifications—Adopted.** The Missoula Water specifications can be found in Chapter 4 of the City of Missoula Public Works Standards and Specifications Manual “2016 Edition of the Missoula Water Division Standard Specifications” are hereby adopted by reference. A copy of the Specifications shall be on file in the office of the City Clerk and available on the City website. (Ord. 3576, 2016)~~

13.30.1010 Water Main Extensions All water main extensions shall be made in accordance with the latest edition of the “City of Missoula Public Works Standards and Specifications Manual~~Missoula Water Division Standard Specifications”~~ and any applicable administrative rules.

~~**13.30.1020 Latecomer's fee for privately financed public water system improvements**~~

~~A. Property owners or Developers (“Developers”) may contract to install public water system improvements within public rightsofway or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any public water system improvements (“Improvements”) must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.~~

~~B. In certain circumstances, the Improvements may benefit adjacent properties or the City may request the Developer to provide extra capacity of the Improvements beyond the minimum capacity required for their development, for the purpose of serving other developable properties.~~

~~C. Two potential methods are available for financing the cost of the Improvements. Utility Upsizing is one option in situations where extra capacity may benefit a large number of properties and the City's water utility pays for the cost of the extra capacity. The second option is for the Developer installing the Improvementsfacilities (“the Sponsor”) to finance the cost of the Improvements but enter into a Latecomer's Agreement with the City through which other developers benefitting from the Improvements pay the Sponsor a proportionate share of the total cost of the facilities. Latecomer's Agreements are intended for situations in which the Improvements are intended to serve a finite number of properties. The City Engineer has the discretion to determine if upsizing facilities are necessary or a Latecomer's Agreement is appropriate and the Sponsor has the discretion to determine which financing mechanism is most appropriate.~~

- ~~D. The Director of Public Works & Mobility is authorized to adopt administrative rules addressing eligible projects, the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer these Latecomer's Agreements.~~
- ~~G. Any Latecomer's Agreement that is developed pursuant to these adopted rules will require City Council approval.~~
- ~~D. Owners of any properties subject to a Latecomer's Agreement shall be provided a copy of the Latecomer's Agreement in writing.~~
- ~~E. An executed Latecomer's Agreement shall remain in effect for ten (10) years after the date the Latecomer's Agreement is executed. The fee shall include a 5% administrative fee to offset the City's cost of administering the program. The administrative fees shall be deposited in the water enterprise fund.~~
- ~~F. Latecomer's Fees cannot be combined with other refund or crediting systems provided by the Missoula Municipal Code or administrative rules.~~
- ~~G. Thereafter, within ten (10) years after the city's acceptance and approval of the Improvements, no property owner or their representative desiring to connect to those Improvements shall be issued any water connection permit or be allowed to tap the water main until their proportionate latecomer's fee has been paid to the City Finance Officer or designee.~~

~~-~~
13.30.1020 Latecomer's fee for privately financed public water main extensions
~~-~~

- ~~A. Private property owners may contract to install public water mains within public rights-of-way or public easements at their own expense after obtaining applicable approval from both city and state authorities and obtaining applicable permits. Any public water main must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.~~
- ~~B. Once acceptance and approval of any newly installed public water main has occurred, property owners who financed the installation of the public water main, if interested, may request the city to establish a latecomer's agreement for them for future connections to the newly installed public water main. The Development Services Director is authorized to adopt administrative rules addressing the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer such a program.~~
- ~~C. If a latecomer's agreement request is submitted after the city's acceptance and approval of an installed public water main, any latecomer's agreement for that public water main shall remain in effect for up to ten (10) years after the city's acceptance and approval of the public water main. Thereafter, within ten (10) years after the city's acceptance and approval of the public water main, no property owner or their representative desiring to tap that public water main to connect a building or structure shall be issued any water connection permit or be allowed to tap the water main until their proportionate latecomer's fee has been paid to the City Finance Officer or designee. If the water main is tapped for a water service lateral that is extended only to the property line, payment of the latecomer's fee is delayed until the building or structure is connected to the water service lateral and is to be paid only if the building or structure is connected to the public water main within ten (10) years after the city has accepted and approved the public water main. The amount of the latecomer's fee is to be a proportion of the original property owner's total construction and engineering cost to install the public water main, excluding any accrued interest, financing costs, or costs of land or easements dedicated by the property owner. In addition to the latecomer's fee, the property owner or their representative desiring to tap the public water main shall pay an administrative fee to the city amounting to five~~

~~percent (5%) of the latecomer's fee. The administrative fee shall be payable to the city and deposited in the city general fund.
(Ord. 3637, 2019; Ord. 3576, 2016)~~

-