Draft dated: 03/21/2012

Ordinance _____

AN ORDINANCE OF THE MISSOULA CITY COUNCIL AMENDING PORTIONS OF MISSOULA MUNICIPAL CODE INCREASING FEES BY FOUR PERCENT (4%) IN CHAPTERS 8.40 ENTITLED "HAZARDOUS VEGETATION AND NUISANCE WEEDS", 12.04 ENTITLED "STREET VACATION", 12.12 ENTITLED "CURBS, SIDEWALKS, AND PAVING", 12.14 ENTITLED "RIGHT-OF-WAY OCCUPANCY PERMIT", 12.16 ENTITLED "SIDEWALK MAINTENANCE", 12.24 ENTITLED "EXCAVATIONS", 12.30 ENTITLED "FENCES", 13.07 ENTITLED "WASTEWATER PRETREATMENT REGULATIONS", 15.38 ENTITLED "ACCESSIBILITY STANDARDS", 15.65 ENTITLED "GRADING, DRAINAGE, EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP)."

BE IT ORDAINED THAT SECTIONS 8.40.040, 12.04.020, 12.12.100, 12.14.030, 12.16.040, 12.24.030, 12.30.050, 13.07.410, 15.38.050, 15.65.050 MISSOULA MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:

SECTION 1 HAZARDOUS VEGETATION AND NUISANCE WEEDS

8.40.040 Hazardous Vegetation cutting, removal or extermination--Fee for cutting, removal or exterminating by the City.

A. A minimum hazardous vegetation cutting, removal or exterminating fee of ~~one hundred eight dollars ($108.00)~~ one hundred twelve dollars ($112.00)per hour or ~~one hundred eight dollars ($108.00)~~ one hundred twelve dollars ((112.00) per lot plus a City administrative fee shall be charged for the cutting, removal or exterminating of hazardous vegetation. The work will be performed by a City assigned cut contractor at the direction of the City. Fees are intended to pay for labor, fuel, equipment and administrative costs and may exceed the minimum fee in instances where actual costs exceed the minimum fees.

B. A City administrative fee of ~~three hundred twelve dollars ($312.00)~~ three hundred twenty-four dollars (324.00) shall be assessed for each weed and grass cutting, removal or exterminating work order that is processed.

C. If a fire originates in the grasses or weeds on a property, the property owner may be assessed costs for fighting that fire if the City Fire Chief deems it appropriate to do so after conducting an investigation of the cause of the fire..

SECTION 2 STREET VACATION

12.04.020 Payment of cost of right-of-way petition process for vacations and closures. At the time any petition is submitted by property owners for the vacation and closure of any public right-of-way within the city, the petitioning property owners shall also pay to the city treasurer the sum ~~of one thousand eight hundred forty-nine ($1,849)~~ of one thousand nine hundred twenty-three dollars ($1,923.00), which money is for the purpose of defraying the necessary costs of title searches and public notice publications. The money so received shall be deposited by the city treasurer in the general fund of the city, provided, however, where an amended plat or replatting is required in accordance with the laws of the state, and such amended plat or replatting requires or requests any right-of-way to be vacated and/or closed, that has been originally established by the prior official subdivision plat, all costs associated with the preparation and review of the amended plat or replatting shall be the obligation of the petitioner for such amended plat or replatting. ~~(~~

SECTION 3 CURBS, SIDEWALKS, AND PAVING

12.12.100 Bonds, fees and charges prerequisite to construction.

A. No person shall remove, alter, or construct any curb, sidewalk, driveway approach, new parking lot, gutter or any combination thereof, upon first complying with the requirements of Section 12.08.030, nor shall such person remove, alter, or construct sidewalk, curb, driveway approach, or gutter without the payment to the city of the fees and charges provided in this section and without obtaining a permit from the city engineer.

B. The fee to inspect curb and gutter construction shall be:

	~~Fee~~	Fee
1. ROW curb permit: 0-30 lineal feet	~~$177.00~~	$184.00
2. ROW curb permit: 31-250 lineal feet	~~$493.00~~	$513.00
3. ROW curb permit: 251-1,000 lineal feet	~~$746.00~~	$776.00
4. ROW curb permit: greater than 1,000 lineal feet	~~$746.00~~	$776.00
plus ~~$0.14~~$0.15 per lineal foot	~~$0.14~~	$0.15

C. The fee to inspect sidewalk and driveway approach construction shall be:

	~~Fee~~	Fee
1. ROW sidewalk permit: 0-150 square feet	~~$162.00~~	$168.00
2. ROW sidewalk permit: 151-500 square feet	~~$433.00~~	$450.00
3. ROW sidewalk permit: 501-1,000 square feet	~~$545.00~~	$567.00
4. ROW sidewalk permit: greater than 1,000 square feet	~~$545.00~~	$567.00
plus ~~$0.14~~$0.15 per square foot	~~$0.14~~	$0.15

D. The fee to design and stake curb and gutter shall be ~~three hundred sixty-two dollars ($362.00)~~ three hundred seventy-six dollars ($376.00) and an additional fee of three ($3) dollars per lineal foot shall be charged for curb and gutter construction exceeding a length of fifty feet.

E. The fee to inspect, design and stake curb, gutter and sidewalk work that is contracted by the city shall be nineteen percent (19%) of the total dollar amount of the curb, gutter and sidewalk contract.

F. The costs and permit fees to inspect areas of paving work shall be as follows:

	~~Fee~~	Fee
1. Single-family residential:	~~$111.00~~	$115.00
2. Multi-family/commercial <2,000 square feet:	~~$314.00~~	$327.00
3. Paving permit 2,000 to 50,000 square feet:	~~$328.00~~	$341.00
4. Paving permit >50,000 square feet:	~~$328.00~~	$341.00
plus $0.01 per square foot		

G. The fee for the City Engineer to review building construction site plans for compliance with applicable codes shall be collected prior to the issuance of the building permit and the fee shall be:

	~~Fee~~	Fee
1. Miscellaneous small structure plan check *(sheds, shops, pole barns, sign bases taking 30 minutes or less*:	~~$48.00~~	$50.00
2. Single-family residential plan check:	~~$105.00~~	$109.00
3. Hillside single-family residential plan check:	~~$165.00~~	$172.00
4. Multi-family residential plan check 2-4 units:	~~$118.00~~	$123.00
5. Multi-family residential plan check 5-20 units:	~~$180.00~~	$187.00
6. Multi-family residential plan check 21-50 units:	~~$268.00~~	$279.00
7. Multi-family residential plan check greater than 50 units:	~~$364.00~~	$379.00
8. Commercial/industrial plan check 0-20,000 square feet:	~~$180.00~~	$187.00
9. Commercial/industrial plan check 20,001-100,000 square feet:	~~$224.00~~	$233.00
10. Commercial/industrial plan check greater than 100,000 square feet:	~~$343.00~~	$357.00

H. The fee for the City Engineer to review subdivision plan submittals for compliance with applicable codes shall be collected when the subdivision plan is submitted and the fee shall be:

	~~Fee~~	Fee
1. Subdivision - Engineering review major:	~~$760.00~~	$790.00
2. Subdivision - Engineering review minor:	~~$352.00~~	$366.00

SECTION 4 RIGHT-OF-WAY OCCUPANCY PERMIT

12.14.030 Permit Application Fee.

A. Any applicant wishing to occupy any right-of-way for a permit for the purposes set forth in Section 12.14.020 shall obtain the permit before proceeding with any occupation of the site. All applications must include an approved traffic and/or pedestrian control plan which conforms to the Manual on Uniform Traffic Control Devices as well as the City of Missoula specifications and policies for traffic control in work zones. All applications must include a schedule of work including dates and hours of occupancy. All applications are subject to approval by the City Engineer.

B. The fee for the permit for the purposes set forth in Section12.14.020 shall be ~~fifty-two dollars ($52.00)~~fifty-four dollars ($54.00) for up to thirty days of occupancy or ~~one hundred four dollars ($104.00)~~ one hundred eight dollars ($108.00)for up to ninety days of occupancy. After ninety days a new permit application and permit fee payment shall be required.

C. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for the work. The City Engineer may order the site vacated until the investigation is completed and the required permit is issued. An investigation fee, in addition to the permit fee shall be collected prior to issuance of the permit. The investigation fee shall be equal to the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. If the investigated activity is found not to require a permit under the requirements of this code the investigation fee will be waived.

SECTION 5 SIDEWALK MAINTENANCE

12.16.040 Violations: work done, liability therefore, civil penalty and collection.

A. In the event of the failure of any person responsible for clearing the sidewalk to clear away or treat with abrasives or suitable de-icing agents and subsequently clear away any snow, ice, slush, mud, or other impediment from any sidewalk as required by this ordinance, or cause this to be done, the director may, as soon as practicable after such failure, cause such work to be done at the expense of the property owner.

B. The director shall ascertain and keep a record of the exact date and costs of all work caused to be done in accordance with this section on account of each act or omission of each person; a legal description of the lot or lots fronting, abutting on or containing within a public use easement the sidewalks cleared along with the street address; and the identity of the owner(s) of the premises along with, when possible, any tenant(s), occupant(s) or lessee(s).

C. Each person whose act or omission makes it necessary that the director cause work to be done in accordance with this section shall be liable to the City for the cost of such work. The costs will be: a minimum of ~~twenty-six dollars ($26.00)~~ twenty-seven dollars ($27.00) for up to one-half hour of snow removal work plus actual time for snow removal beyond one-half hour pro-rated at the rate of ~~fifty-two dollars ($52.00)~~ fifty-four dollars ($54.00) per hour, plus an administrative fee of ~~thirty-six dollars ($36.00)~~

thirty-seven dollars ($37.00). Actual fees may exceed the minimum fee in instances in which actual costs are documented to exceed the minimum fee.

D. The director shall give each person written notice of the amount owed to the City as soon as practicable. The payment of such amount may be enforced through suit for collection or by levying an assessment on the premises or both.

E. In the event of assessment, the City Council shall annually pass and adopt a resolution levying an assessment and tax against each lot or parcel of land fronting, abutting on, or containing within a public use easement the sidewalks cleared under the order of the director and according to his/her report. Any such assessment or tax against the lot or parcel of real estate to which this sidewalk clearing service is furnished and for which payment is delinquent, shall become a lien on the real estate receiving the benefit.

SECTION 6 EXCAVATIONS

12.24.030 Permit--Application--Fee. Permit fees are based on the average direct and indirect costs to provide plan checking, permit administration, field inspection, record management, warranty inspection, and public works administration for excavations. The fee for obtaining an excavation permit shall be as follows:

A. Excavation Permits for Sanitary Sewer:

	~~Fee~~	Fee
1. New connection of a service line from the sewer main to the building:	~~$343.00~~	$357.00
2. New connection of a service line from the stub to the building:	~~$298.00~~	$310.00
3. New connection of a service stub from the sewer main to the property line:	~~$343.00~~	$357.00
4. New STEP connection from the sewer main to the building:	~~$523.00~~	$544.00
5. New STEP connection from the stub to the building:	~~$486.00~~	$505.00
6. New STEP connection of a service stub from the sewer main to the property line:	~~$343.00~~	$357.00
7. New STEP tank installation without connection to a sewer main:	~~$410.00~~	$426.00

B. Excavation Permits for Water:

	~~Fee~~	Fee
1. New connection of a service line from the water main to the building:	~~$193.00~~	$201.00
2. New connection of a service stub from the water main to the property line:	~~$155.00~~	$161.00
3. New connection of a service line from the stub to the building:	~~$155.00~~	$161.00

C. Excavation permits for Miscellaneous Excavations:

1. New utility mains including sewer, water, storm drain, gas, electric, phone, cable television are:

	~~Fee~~	Fee
a. Utility main construction: 0-600 lineal feet:	~~$1,948.00~~	$2,026.00
b. Utility main construction: 601-2,400 lineal feet:	~~$2,864.00~~	$2,979.00
c. Utility main construction greater than 2,400 lineal feet:	~~$2,864.00~~	$2,979.00
plus ~~$0.39~~$0.38 per lineal foot	~~$0.37~~	$0.38

2. All other permits including repair permits: ~~$180.00~~ $187.00

Revenue from these fees shall be credited to the general fund.

SECTION 7 FENCES

12.30.050 Encroachments--Permits. The City Engineer, or a designated agent, is authorized to grant a fence encroachment permit to the owner of land abutting city right-of-way for a temporary revocable privilege to construct, install, and maintain a fence upon a portion of the public right-of-way that is not currently or prospectively used or needed in the near future for any public travel or public use. This fence encroachment permit shall be a revocable privilege and shall be in the form of a fence encroachment permit signed and acknowledged by the permittee whereby the permittee recognizes that the permit is revocable by the City at any time upon thirty days' notice to the permittee and whereby the permittee recognizes that the City retains its right to use and to access the public right-of-way subject to the fence encroachment permit. The permittee must as part of the fence encroachment permit application process covenant to remove the fence and restore the land to its former condition, all at the permittee's expense, upon the receipt of such notice. Such fence encroachment permits as the aforesaid to be made by the City, through the action of the City Engineer or a designee, shall be filed with the Missoula County Clerk and Recorder. A fence encroachment permit fee in the amount of ~~eight hundred thirty-five dollars ($835.00)~~eight hundred sixty-eight dollars ($868.00) to issue this agreement shall be paid by the property owner.

A. Fences, Encroachments. Restrictions to fences allowed to encroach into the public right-of-way.
   1. No fence shall be constructed which will restrict visibility as described in 12.28.110 of this code.
   2. No fence shall be allowed to encroach into Montana Highway Department right-of-way.
   3. In any public right-of-way, where public sidewalks do not exist, no fence shall be installed closer than two feet to the back of any future public sidewalk as determined by the City Engineer. In any public right-of-way, where public sidewalks exist, no fence shall be installed closer than one foot to the back of the sidewalk
   4. Fences shall have a maximum height requirement per Section 12.30.040
   5. Fences shall have posts not exceeding two and three-eighths (2-3/8) inches outside diameter for metal pipe or four inch dimension for wooden posts. No fences shall be constructed of stone, rock, masonry, any metal with pointed or projecting tops, cable, or chain. Prior to the issuance of the fence encroachment permit the fence design must be approved by the City Engineer or a designee to ensure conformity to this section and to be reviewed for potential hazards.
   6. No other structure or storage of personal property inclusive of motorized vehicles other than landscape materials approved by 12.48.060 of this code shall be allowed in the public right-of-way behind a permitted fence. There shall be no shrubs, bushes, or hedges exceeding the height of the permitted fence in the public right-of-way.
   7. No encroachments of fences into the public right-of-way shall be allowed in a commercial or industrial district. No encroachments shall be allowed on properties used for business purposes
   8. When fifty percent or more of an existing fence in or adjacent to a public right-of-way is repaired or reconstructed it shall conform to this section.

SECTION 8 INDUSTRIAL WASTEWATER

13.07.410 Additional Pretreatment Measures

A. Whenever deemed necessary, the Superintendent or designee may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage necessary to protect the POTW and determine and/or assure the User's compliance with the requirements of this section.
B. The Superintendent or designee may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors or other approved pretreatment devices shall be installed when, in the opinion of the Superintendent or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users.

1. This includes but is not limited to mechanical repair, machining, vehicle washing or such facilities which may generate water containing petroleum fuels, oils, grease, sand, grit, or other floating or settleable materials as well as food service facilities, food manufacturing, packaging, and/or wholesale preparation, meat packing facilities, slaughter houses and other such facilities that may generate fats, oils, greases, and/or settable materials.
    i. All newly constructed facilities, facilities which are remodeling or those associated with existing interference to the POTW which are covered by this section shall install an interceptor or other approved pretreatment device per 13.07.410 (C) MMC
    ii. All change of use, change of occupant, and or change of menu are subject to review and requirements under this section, 13.07.410 (C) MMC and the FOG Sector Control Program
    iii. A variance to the interceptor or other approved pretreatment device may be granted by a Review Committee. The Industrial Interceptor Review Committee shall consist of a representative from the Wastewater Division and City Engineering. The variance fee is ~~one hundred forty-two dollars ($142.00)~~ one hundred forty-eight dollars ($148.00) for each variance considered by the Review Committee. Criteria for allowing a variance shall be feasibility of installation, generation potential and existing interference to the POTW. A variance may carry conditional requirements including, but not limited to, installation of a solids interceptor, hydromechanical grease interceptor (previously known as a grease trap), and/or self monitoring.
2. All interception units or other approved pretreatment devices shall be of a type and capacity approved by the Superintendent or designee, shall comply with the City's FOG Sector Control program, shall be so located to be easily accessible for cleaning and inspection.
3. Such interceptors shall be inspected, cleaned, and repaired in accordance with the City's FOG Sector Control Program by the User at their expense. This includes maintaining an updated logbook of these activities that will be submitted to Superintendent or designee upon request. Total interceptor contents shall be removed at the time of cleaning.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 9 ACCESSIBILITY STANDARDS

15.38.050 Permit—Application—Fee. Permit fees are based on the average direct and indirect costs to provide plan checks, permit administration, field inspection, and record management. The fee for obtaining a permit shall be as follows:

		~~Fee~~	Fee
1.	Single family residential driveways	~~No permit required~~	No permit required
2.	Multifamily parking lots which are not subject to accessibility requirements	~~No permit required~~	No permit required
3.	Parking lots up to 12,000 square feet (SF):	~~$314.00~~	$327.00
4.	Parking lots over 12,000 SF up to 42,000 SF	~~$364.00~~	$379.00
5.	Parking lots greater than 42,000 SF	~~$440.00~~	$458.00

Revenue from these fees shall be credited to the general fund.

SECTION 10 GRADING, DRAINAGE, EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

15.65.050 Permit—Application—Fee.
Permit fees are based on the average direct and indirect costs to provide plan checks, permit administration, field inspection, and record management. The fee for obtaining a permit shall be as follows:

Grading, Drainage and Erosion Control

	~~Fee~~	Fee
1. Single family residence with slopes between five percent (5%) and ten percent (10%):	~~$314.00~~	$327.00
2. Single family residence with slopes greater than ten percent (10%):	~~$364.00~~	$379.00
3. Commercial/industrial/multifamily development:	~~$440.00~~	$458.00

Air Quality, Water Quality and Storm Water Pollution Prevention Plan (SWPPP)

	~~Fee~~	Fee
1. One (1) acre or greater up to five (5) acre development / parcel / lot:	~~$260.00~~	$270.00
2. Greater than five (5) acre up to ten (10) acre development / parcel / lot:	~~$305.00~~	$317.00
3. Greater than ten (10) acre up to twenty (20) acre development / parcel / lot:	~~$354.00~~	$368.00
4. Greater than twenty (20) acre development / parcel / lot:	~~$427.00~~	$444.00

Revenue from these fees shall be credited to the general fund.

EFFECTIVE DATE
This ordinance shall go into effect on January 1, 2013.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED BY a _____ vote and

APPROVED by the Mayor this ___ day of _____, 2012.

ATTEST:

_____
Martha L. Rehbein, CMC
City Clerk

APPROVED:

_____
John Engen
Mayor