

ORDINANCE NUMBER 3470

AN ORDINANCE OF THE MISSOULA CITY COUNCIL AMENDING MISSOULA MUNICIPAL CODE TITLE 13, CHAPTER 13.04, SECTION 13.04.020 “CONNECTION TO PUBLIC SANITARY SEWER UPON PROPERTY TRANSFER—REQUIRED” PROVIDING EXCEPTIONS TO PUBLIC SANITARY SEWER CONNECTIONS UPON PROPERTY TRANSFER.

BE IT ORDAINED THAT SECTION 13.04.020 MISSOULA MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

13.04.020 Connection to public sanitary sewer 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 with available public sanitary sewer until the plumbed buildings or structures have been connected to the public sanitary sewer, except as provided in (D) and (E) below.

A. Property owner and purchaser responsibility – Required. Property owner and purchaser shall arrange to connect any plumbed buildings or structures on the property prior to recording the deed or conveyance transferring ownership to the purchaser at their own expense.

B. City Engineer 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 connection of plumbed buildings on a property being sold at the City Engineer’s discretion.

C. City Engineer may grant a six month time extension which may be renewed at the discretion of the City Engineer (extending the maximum six (6) month time delay, in B. above) to allow for the connection to coincide with another scheduled City or private construction project. A property owner/purchaser negotiated financial holdback is required during any additional time extension(s).

D. 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 13.04.020 (A). This exemption is applicable only to the transfer of a property from the owner to the foreclosing financial or lending institution and the subsequent transfer from the financial or lending institution to a new owner.

E. Exception. A graywater irrigation system that has been installed in conformance with the Uniform Plumbing Code and permitted by the Missoula City County Health Department may remain in use in accordance with 13.04.010(B)(2).

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 11 ayes, 0 nays, 0 abstentions and 1 absent vote and

APPROVED by the Mayor this 2nd day of May, 2011.

ATTEST:

/s/ Martha L. Rehbein
Martha L. Rehbein, CMC
City Clerk

APPROVED:

/s/ John Engen
John Engen
Mayor