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ORDINANCE NO. 12.05 , 2007.

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, ADOPTING MUNICIPAL CODES AUTHORIZING THE CREATION OF A STREET MAINTENANCE DISTRICT(S).

RECITALS

WHEREAS, the City Council for the City of Harlowton believes that it is in the best interest of the City of Harlowton that there be municipal codes authorizing the creation of a street maintenance district (s) in order to fund the installation, repair and maintenance of streets, allies, curbs and gutters, traffic control devices, and side walks;

NOW, THEREFOR, BE IT ORDAJND, by the City Council, City of Harlowton, Montana, as follows:

The City Council for the City of Harlowton proposes the following Chapter 12.05 of the City Municipal Codes be enacted:

CHAPTER 12.05

STREET MAINTENANCE DISTRICT(S)

Sections

12.05.001. Designation and definitions. (Ordinance No. 12.05 , Enacted: 8-14- ,2007)

12.05.002. By whom work will be done. (Ordinance No.12.05 , Enacted: 8-14- ,2007)

12.05.003. Determination of maintenance cost- when. (Ordinance No.12.05 , Enacted: 8-14- ,2007

12.05.004. Assessment of cost. (Ordinance No. 12.05 " Enacted: 8-14- ,2007)

12.05.005 Maximum annual assessment for parcels, tracts or lots which are undeveloped and unimproved. (Ordinance No.12.05 , Enacted:8-14, 2007)

12.05.006. Certification of tax. (Ordinance No. 12.05 " Enacted: 8-14- , 2007)

12.05.007-12.05.015. Reserved. (Ordinance No. 12.05 , Enacted:8-14- ,2007)

Section. 12.05.001. Designation and definitions.

A. The entire City, or any portion of the City, may be designated as a street maintenance district by resolution of the City Council. When so designated, such district may be maintained for such time and in such manner, and under the supervision of the City. (Ordinance No. 12.05, Enacted: 8-14-,2007)

B. "Maintenance" as used in this part in this part includes, but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, seeping, flushing, snow removal, leaf and debris removal, the operation, maintenance, and repair of traffic signal systems, the repair of traffic signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk. (Ordinance No. 12.05, Enacted: 8-14-,2007)

C. "Streets" in this article includes streets, alleys, curbs and gutters. (Ordinance No. 12.05, Enacted: 8-14-,2007)

Section 12.05.002. By whom work may be done.

Street maintenance as referred may be done by contract or by the City, or both. (Ordinance No. 12.05, Enacted: 8-14 " 2007)

Section 12.05.003.Determination or maintenance costs- when.

The City Mayor and City Clerk shall certify to the Council on or before the first Monday in October, of each year, the cost and expense to the City and other forces used in the maintenance district, together with an estimate of the cost for the portion of the time such forces may be required to be used in the district for the balance of the fiscal year. (Ordinance No. 12.05, Enacted: 8-14-, 2007)

Section 12.05.004. Assessment of cost.

The anticipated costs and expenses of the maintenance district for each fiscal year, exclusive of the cost of maintaining public places and the intersections of streets with avenues or alleys, shall in all cases be assessed and taxed to the lots or parcels of land within the district abutting upon a street upon which maintenance is done for that part of the cost that its street frontage bears to the street frontage of the entire district. (Ordinance No. 12.05, Enacted: 8-14, 2007)

Section 12.05.005 Maximum annual assessment for parcels, tracts or lots which are undeveloped and unimproved.

Undeveloped and unimproved parcels, lots or tracts will be assessed as set forth in Section 12.05.004. (Ordinance No. 12.05 " Enacted: 8-14,2007)

Section 12.05.006 Certification of tax.

The taxes for the maintenance district assessed in Sections 12.05.004 and 12.05.005 shall be extended in the same manner as other special assessments and shall be certified to the County Treasurer for collection with regular real property taxes. (Ordinance No. 12.05, Enacted: 8-14 2007)

Section 12.05.007-12.05-015 Reserved. (Ordinance No. 12.05, Enacted: 8-14,2007)

Sec. 2 Repealer

All resolutions, ordinances and sections of the Harlowton Municipal Codes and parts thereof in conflict herewith are hereby repealed.

Sec. 3 Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provision of this ordinance are declared to be severable.

Sec. 4 Effective Date

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

.PASSED AND ADOPTED

by the City Council of the City of

Harlowton this 14<sup>th</sup> day of Aug., 2007.

<u>Rob Galahan</u> Councilperson	X Yes	No	Absent
<u>Frank Hutton</u> Councilperson	X Yes	No	Absent
<u>Jack Barnhart</u> Councilperson	X Yes	No	Absent
<u>Jeff Sell</u> Councilperson	X Yes	No	Absent
<u>Richard Stoltz</u> Councilperson	X Yes	No	Absent

<u>Tom Horan</u> Councilperson	Yes	No	X Absent
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Approved:

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John Peccia, Mayor

Approved as to Form and Content:

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Jon M. Hesse, City Attorney

ATTEST:

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Geraldine Hensel, City Clerk