

**ORDINANCE NO. 2021-01**

**AN ORDINANCE AMENDING HARDIN CITY CODE  
ESTABLISHING A CURB STOP AND CURB STOP BOX  
REPLACEMENT FUND**

**WHEREAS**, the City of Hardin desires to modify and change the City Code of Hardin, Montana in order to establish a curb stop and curb stop box replacement fund in the City of Hardin, Montana;

**WHEREAS**, the City of Hardin has the authority to fix and establish, by ordinance or resolution, and collect rates, rentals, and charges for the water services, water facilities, and benefits directly or indirectly afforded by the water system, taking into account services provided and benefits received, per Mont. Code Ann. § 7-13-430 (2019);

**WHEREAS**, the City of Hardin has the power to regulate the construction, use, and repair of vaults, cisterns, hydrants, pumps, sewers, and gutters, per § 7-13-4105;

**WHEREAS**, the City of Hardin finds that there are numerous curb stops and curb stop boxes that are in need of repair so that those services can be shut off for various reasons including delinquent accounts;

**WHEREAS**, the City of Hardin finds that not all persons with an account can afford the upfront cost of a curb stop or curb stop box replacement.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA**, Title 3, Chapter 3A, Section 19, Rule 13 is amended by creating a new fourth, fifth and sixth paragraph as follows:

The City shall give the account holder and property owner notice, in writing, of the need for curb stop or curb stop box repair. If the account holder or property owner does not provide proof to the City that the requested repairs have been completed or scheduled for completion within 30 days of the notice, then the City, at the discretion of the Public Works Director and Mayor, may replace or cause another to replace the curb stop, curb stop box, or both at the expense of the account holder or property owner.

By resolution, the City may establish fees for a general curb stop and curb stop replacement fund. If implemented, the City may charge a fee to each active metered account, both commercial and residential, to be placed into a separate account and used only for the replacement of curb stops and curbs stop boxes in the City of Hardin. Upon determination of the Public Works Director and Mayor, pursuant to this rule, a metered curb stop or

metered curb stop box, 2 inches or less, may be replaced and the City may fund up to 75% of the cost, but no more than \$1,000, towards the cost of the replacement from this fund. Any remaining amount shall be borne by the account holder or property owner. The City is not obligated to use any of the curb stop replacement funds for replacement, and the account holder or property owner may be responsible for the full cost of any curb stop or curb stop box replacements if the property owner or tenant is responsible for the damage to curb stop or curb stop box whether by neglect or action.

The City will only replace or install one curb stop or one curb stop box per account in a ten-year period. Any private water systems within the City limits, such as those used by trailer courts or other similar multiple domestic or commercial connections that have only one meter and one account will be assessed only one fee per account, regardless of the number of housing connections upon that account. All connections in the interior of such private systems that use additional curb stops or curb stop boxes shall be the responsibility of the account holder or property owner and the City shall not use any of the funds from this Rule to replace those connections.

**DATE OF EFFECT.**

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

**FIRST READING AND PASSAGE** By a majority vote of the members present this 16<sup>th</sup> day of February, 2021.

YEAS 4

NAYS 2



[Signature]  
Mayor

ATTEST:

[Signature]

City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 18<sup>th</sup> day of February, 2021.

Andrew Lehn  
City Clerk

**SECOND READING AND PASSAGE** By a majority vote of the members present this 2nd day of March, 2021.

YEAS 4

NAYS 2



[Signature]  
Mayor

ATTEST:

Andrew Lehn  
City Clerk