

ORDINANCE NO. 6

AN ORDINANCE ADDING ARTICLE XIV OF THE FLATHEAD COUNTY WATER DISTRICT 101 BYLAWS TO ADDRESS ANNEXATION IN SAID BY-LAWS, DECLARING AN EFFECTIVE DATE:

WHEREAS, protecting the By-Laws and overall structure of the District is a priority of the Board of Directors;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE FLATHEAD COUNTY WATER DISTRICT NUMBER 101 AS FOLLOWS:

Article XIV shall be added to the District By-Laws as follows:

ARTICLE XIV

Annexation


1. All properties serviced by the District must be annexed into the District before water connection(s) are made as provided in Sections 7-13-2341 M.C.A.
2. If the Board of Directors determines that the District has a water facility with a capacity greater than required to meet the needs of the current district, it may by Ordinance, upon petition of contiguous property owners and with the written consent of all property owners to whom the service is to be extended, expand the District to include land, to the extent of excess capacity (Section 7-13-2341 (5) M.C.A.).
3. The property owner(s) of land(s) contiguous with the District shall submit petition(s) of annexation to the Flathead County Water District 101 for review of capacity requirements and availability of excess capacity. Approval of service requests and subsequent annexation shall be limited to available excess capacity, determined by the Board of Directors at submittal.
4. Upon completion of the review, approval, and statement of available excess capacity remaining at the time, the Board of Directors shall request the Secretary of State, State of Montana, and Flathead County to include all lands petitioned into the revised boundaries of the Flathead County Water District 101 pursuant to Section 7-13-2341 (5) M.C.A.
5. In the event a statement of excess capacity is not possible in order to accommodate an annexation petition, the District may choose to enter into a contract with the interested property owner(s) to develop additional capacity. Said contract will appropriate costs for developing said additional capacity between the District and the property owner(s).
6. In evaluation of the ability to provide new water service, water rights and the current standing with the Montana Department of Natural Resources and Conservation (DNRC), in that regard, will be a consideration of accepting applications for annexation of land parcels into the District.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS THE SECOND DAY OF AUGUST, 2016
AND SIGNED BY THE PRESIDENT THIS TWELFTH DAY OF DECEMBER, 2016.



President

WITNESS MY HAND AND SEAL of the District, December 12, 2016.



Secretary