

ORDINANCE NO. 100

An ordinance for the creation of a street maintenance district within the Town of Ennis.

1.00.00 There shall be created within the Town of Ennis a district for the maintenance of the streets and avenues of the Town, to provide for a method of doing the work and paying for same under the restrictions and regulations provided in M.C.A. 7-12-4401 et. seq.

1.01.00 Maintenance Defined. Maintenance as used in this chapter includes but is not limited to sprinkling, graveling, oiling, chipsealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal.

2.01.00 Boundary of Maintenance District. The whole of the Town of Ennis shall be the designated maintenance district. The district may not be changed during the same calendar year but may be changed by resolution in any succeeding year following the enactment of this resolution.

3.01.00 Manner of Providing Maintenance. The maintenance in the district so established may be done by contract or by the employees of the Town or both, in any such matter as the counsel may elect.

4.01.00 Resolution For Assessment of Costs and Maintenance. The Town Council shall estimate, as near as practical, the cost of maintenance in each established district annually, not later than the second Monday in August. The Council shall pass and finally adopt a resolutions specifying the district assessment option and levying and assessing all the property within the several district with an amount equal to not less that 75% of the entire cost of said work.

4.02.00 Parcels Assessed. The resolution levying the assessment to defray the cost of maintenance shall contain or refer to a list in which shall be described the lot or parcel of land assessed with the name of the owner thereof if known, and the amount levied thereon said opposite.

5.01.00 Filing. Such resolution shall be kept on file in the office of the City Clerk.

6.01.00 Assessment of Costs - Area, Frontage, Lot, and Taxable Valuation Options. "Assessable area" means the portion of a lot or parcel of land that is

benefitted by the maintenance district. The maintenance area may be less than but may not exceed the actual area of lot or parcel.

6.02.00 Method of Assessment. The City Council shall assess the percentage of the cost of maintenance established in Section 4.01.00 above against the entire district as follows:

- (a) Each lot or parcel of land within such district may be assessed for that part of the cost which its assessable area bears to the assessable area of the entire district, exclusive of streets, avenue, alleys, and public places;
- (b) Each lot or parcel of land within such district abutting upon a street upon which maintenance is done may be assessed for that part of the cost which its street frontage bears to the street frontage of the entire district;
- (c) If the Town Council determines that the benefits derive from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or a parcel located within the district without regard to the assessable area of the lot or parcel;
- (d) Each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district;

PASSED BY THE ENNIS TOWN COUNCIL AND APPROVED BY THE MAYOR THIS

10th DAY OF September, 19 92

R. J. Feil Brauder
MAYOR

ATTEST:

Samuel M. Allison
TOWN CLERK

(SEAL)

First Reading 8-13-92
Second Reading 9-10-92