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ORDINANCE NO. 1353

AN ORDINANCE PROVIDING FOR THE ENACTMENT OF AN ORDINANCE PLACING RESTRICTIONS ON THE USE OF GROUNDWATER IN THE CITY OF LIBBY, MONTANA.

Whereas, on July 21, 1986, the City Council of the City of Libby, Montana, passed Emergency Ordinance Number 1344; and

Whereas, it is the desire and intention of the City Council of the City of Libby, Montana, to propose said Emergency Ordinance as a permanent ordinance of the City of Libby, Montana;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA, that the following ordinance be enacted as an ordinance of the Municipal Code of the City of Libby, Montana, to read as follows:

Section 1 -- Application, Investigation, Permit and Fee. Any person desiring to drill, dig, or excavate for a water well within the corporate limits of the City must first apply to the City of Libby, or its designated representative and agent, for a permit therefor and must advise the City of Libby, or its designated representative and agent, of the exact location, size, and purpose of the proposed water well. The application for such permit must contain:

A) That the permittee will submit to annual inspection of wells by the City of Libby, or its designated representative and agent, on or before the anniversary date of the original permit to permittee, and the payment of an inspection fee of Fifteen Dollars ($15.00) to the City of Libby must be paid on or before the date of inspection.

The applicant will pay a Fifteen Dollar ($15.00) fee for the permit upon the City of Libby's, or its designated representative or agent, determination that it conforms with the plan submitted.

Section 2 -- Wells For Human Consumption And Irrigation. No water well shall be authorized for the purpose of human consumption or irrigation.

Section 3 -- Review. The refusal of the City of Libby, or its designated representative or agent, to grant any such application is subject to review by the City Council of the City of Libby, Montana.

Section 4 -- Control Valves. Any water well drilled, dug or excavated pursuant to a permit granted hereunder must be equipped with adequate shut-off valves or control valves for the purpose of controlling the flow of water from the water well and for the protection of the City water system in the event of pollution or other hazards.

Section 5 -- Marking. The issuance of a water well permit may be conditioned on marking the water well in a manner to be designated by the City of Libby, or its designated representative or agent, for the purposes of identification, location, and for inspection by the City of Libby, or its designated representative of agent, at reasonable times and as may be required.

Section 6 -- Violations And Penalties. Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Chapter shall be subject to a fine not to exceed Five Hundred Dollars ($500.00) and imprisonment not

in excess of six (6) months in jail.

PASSED BY THE CITY COUNCIL and approved by the Mayor of the City of Libby this 20th day of October, 1986.

Mayor

ATTEST:

Virginia McGill
City Clerk

First Reading: Oct 6, 1986

Second Reading: Oct 20, 1986