Chapter 12:44 Definitions

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For the purposes of this section the following definitions are given. All definitions include capitalized and non-capitalized forms:

1. Maintenance. As used in this section, maintenance includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, 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.

2. Improvements. As used in this section, improvements includes but is not limited to the installation of traffic signs, new curb and gutter construction, and widening of existing streets.

3. Water User Entities. As used in this section, water user entities refer to any nonprofit water company, water users association, irrigation company, canal company, ditch company, reservoir company, or similar nonprofit water user entity.

Sources: MCA § 7-12-4401, 7-12-4405, and 7-12-4436

12.44.020—Maintenance and Improvement Provision. To allow that the maintenance and improvements shall be of durable and continuing benefit, both maintenance or improvements may be done by contract, or by forces in the employ of the city, or both in accordance with MCA § 7-12-4404 and MCA § 7-12-4405.

12.44.030—Assessment of Costs. The assessments for the costs and expenses of maintaining streets, alleys, and public places shall be made against all of the property embraced within each maintenance district by the method given in DMC § 12.44.040.

12.44.040—Method of Assessment. For the purposes of this section, “assessable area” means the portion of a lot or parcel of land that is benefited by the maintenance district. The City Council shall assess the percentage of the cost of maintenance established in 12.44.050 against the entire district using one of the methods described in MCA § 7-12-4422.

12.44.050—Resolution for Assessment of Costs of Maintenance. The City Council shall estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the second Monday in August.

12.44.060-District Assessment Multiplier. The Council shall pass and finally adopt a resolution specifying the district assessment multiplier defined in 12.44.040 and levy and assess all the property within the districts with an amount equal to not less than 75% of the entire cost of said work in accordance with MCA § 7-12-4425. 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 set opposite.

12.44.070--Exceptions. Water user entities are exempt from special assessments for street maintenance districts as restricted by MCA § 7-12-4436.

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