

ORDINANCE NO. 50

AN ORDINANCE ESTABLISHING THE REGULATION AND OPERATION OF THE SYSTEM OF WATER OWNED BY THE TOWN.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLEVNA, MONTANA:

Section 1. Definitions: Words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure"; the word "person" includes a corporation or other organization; the term "used" includes the term "arranged" or "intended to be used" or "designed"; and the word "shall" is mandatory and directory. For the purpose of this chapter, certain terms and words are hereby defined as follows:

APARTMENT HOUSE: See definition of Dwelling, Multiple.

BUILDING: A structure having a roof supported by walls, and when separated by a party wall without openings, it shall be deemed a separate building.

COMMERCIAL BUILDING: A building used in a trade, business or industry; provided, however, a "home occupation" as defined herein shall not be defined as a commercial building.

CORPORATION STOP: The valve and tap used to tap the water main for service to a customer.

CURB STOP: The valve placed at a location prescribed by the town for the purpose of turning the water service off and on.

DWELLING, MULTIPLE: A building, or portion thereof, designed for, or occupied as, the home of three (3) or more families living independently of each other, including tenement houses, apartment houses, and apartment hotels.

DWELLING, ONE-FAMILY: A detached building designed for, or occupied exclusively by, one family, and shall provide for healthful environment and complete living facilities arranged and equipped to assure suitable and desirable living conditions. A trailer, camp car, trailer house or building moved in for the purpose of use as a dwelling is considered to be a one-family dwelling.

DWELLING, TWO-FAMILY: A detached building designed for, or occupied exclusively by, two (2) families living independently of each other, and shall provide for healthful environment and complete living facilities arranged and equipped to assure suitable and desirable living conditions. A trailer, camp car, trailer house or building moved in for the purpose of use as a two-family dwelling is considered to be a two-family dwelling.

FAMILY: One or more persons living, sleeping, and usually cooking and eating on the premises as a single housekeeping unit.

HOME OCCUPATION: A minor use of a home where there is no sign or display that will indicate from the exterior that the building is used in whole or in part for any other purposes than that of a dwelling; in connection with which there is kept stock in trade or commodity sold upon the premises; and in which no person is employed other than a member of the immediate family residing in the home.

HOTEL: A building in which lodging is provided with or without meals, and open to transient guests.

PUBLIC GARAGE: Any premises used for housing or care of more than four (4) motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale, not including showrooms or exhibition for model cars.

Section 2. Management of Water System: The mayor and town council, as governing body, shall have the control and management of the water system, and all water wells, tanks, lines, mains and equipment comprising such water system, and they shall perform all acts necessary or prudent for the efficient operation and maintenance of such system.

Section 3. Appointment of Water Operator and Employees: The governing body shall have and appoint a water operator, and have such other employees as needed in the proper operation and maintenance of such water system. There shall be no harassment or interference of any town water personnel while they are performing the duties of their job.

Section 4. Duties of Water Operator and Clerk-Treasurer:

A. Water Operator:

1. The water operator shall be responsible for the maintenance and operation of the water supply system in the town, and all of its wells, mains, and equipment; and shall keep a record of all taps and services, their size and location.
2. The water operator shall keep proper records of all water lines and mains, valves and hydrants, and such records shall be stored in the office of the town clerk-treasurer.
3. The water operator shall be in charge of the water department employees, and shall order all supplies and equipment necessary to keep said water system operational, subject to such orders being first approved by the governing body of the town in writing prior to ordering the same.
4. The water operator shall report to the governing body any illegal water taps, violation of the rules and regulations, and any other matter which affects the water system of the town.

B. Duties Of Clerk-Treasurer:

1. The clerk-treasurer shall prepare all water bills and receive all monies from the sale of water.
2. The clerk-treasurer shall keep an accurate record of all water bills, monies received, delinquent bills, equipment and supplies purchased.
3. The clerk-treasurer shall monthly prepare a list of any delinquent water bills, and present the same to the governing body.

Section 5. Application for use of water:

- A. *Filing Of Application; Conformance Required:* Application for the use of water must be made at the office of the town clerk-treasurer, on a printed form furnished for that purpose. Service will be furnished to any consumer within the town who agrees to and conforms with all rules and regulations governing the service; provided, however, that the system of mains and pipes extends to the point where service is desired, and is adequate to supply the service for which applied.
- B. *Limited Use Of Water:* No person supplied with water from the town mains will be entitled to use such water for any other purpose than those stated in the application, or to supply in any way other persons, families, or households.
- C. *Tapping Of Main; Specifications; Expenses; Deposit:*
 1. When application has been granted, the property owner shall bear the expense of tapping the main and shall furnish the corporation cock, clamp when necessary, and any other materials used or labor furnished in connection with the tapping of the main.
 2. All expenses of laying the service pipes from the main to the consumer's premises must be borne by the consumer.
 3. The service pipe must be laid below street grade, and on the consumer's premises at a standard depth, designated by the governing body, to prevent freezing. A curb cock of approved pattern with a cast iron curb box must be installed by the consumer at a point designated by the governing body.
 4. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping.
 5. A connection fee of \$200.00 shall be paid at the time of application. This connection fee may be changed by Resolution at the discretion of the governing body.

D. *Service Pipes and Curb Stops*: Service pipes shall be laid below expected frost line. Curb stop must be set on or near the property line. Curb stop shall be of the patent, size and style as prescribed by the water operator.

Section 6. Rules Governing Water Distribution and Supply:

The rules and regulations in relation to water shall be as follows:

RULE 1: Use Of Water Limited: No person supplied with water from the town mains will be entitled to use such water for any other purpose other than those stated in the application, or to supply, in any way, other persons or families.

RULE 2: Additional Service Or Change In Purposes; Fee: Should the applicant desire an additional service or fixture, or to apply the water for a purpose not stated in the original application, a new application must be made and a permit obtained from the clerk-treasurer.

RULE 3: Stop And Water Cock Installation: A stop and water cock shall be installed at some convenient point outside of the building and so located that it cannot freeze.

RULE 4: Waste Of Water Prohibited: Waste of water is prohibited, and consumers must keep their fixtures and service lines in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the water operator, and if not repaired after reasonable notice is given, the water will be shut off by the governing body.

RULE 5: Turn On Or Off With Permission Of Water Operator: No plumber or other person will be allowed to make connection with any conduit, pipe or other fixture connection therewith or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the water operator.

RULE 6: Penalty For Wasting Water: If any person allows any faucet or pipe to run open, thus wasting water, the water shall be turned off from the premises. In no case shall the water be turned on again until the reconnection fee of twenty-five dollars (\$25.00) has been paid and action has been taken to correct the wasting of water. The amount of reconnection fee may be changed by resolution at the discretion of the governing body.

RULE 7: Nonliability Of Town: The town shall not be responsible for pipes and fixtures. All owners, at their own expense, must keep service pipes from the curb stop, and all their apparatus, in good working order, and properly protected from frost or other dangers. No claim shall be made against the town on account of the breaking of any service pipes or apparatus, or for accidental failure in the supply of water. No reduction from the regular rates shall be made for any time that service pipes or fixtures may be frozen.

RULE 8: Accessibility Of Curb Cock And Box: Service pipes shall be so arranged that the supply of each separate building, house, or premises may be controlled by a separate curb cock, placed within or near the property line, under rules established by the governing body or civil authorities. This curb cock and box must be kept easily accessible by the owner of the premises.

RULE 9: Discontinuance Of Water Use: Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the water operator, when notified to do so in writing, will shut off the water at The curb, and allowance will be made on the bill for such time as the water is not in use.

RULE 10: Notice To Consumer Prior To Shutting Off Water; Check Valves On Boilers:

A. Notice will be given, whenever practicable, to the consumers prior to shutting off water that, owing to unavoidable accidents or emergencies, their water supply may be shut off at any time.

B. All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucet should be opened, and be left opened until the water is turned on again. A check valve must always be placed

between the boiler and the governing body's mains to prevent draining the boiler. The town will not be responsible for the safety of the boilers, or the premises of any water consumer. Consumers are cautioned to never leave the premises with any faucets open and water turned off.

RULE 11: Compliance By Plumbers: Plumbers failing to perform their work according to the established rules and regulations, or executing such work unskillfully, or to the damage of the town water supply and distribution system, may be debarred from making connection with the town mains by a majority vote of the governing body.

RULE 12: Right Of Access For Inspection: The governing body's agents or other authorized persons shall have access at reasonable hours to any premises where water is used for the purpose of making inspection or investigation.

RULE 13: Water Rates Charged Against Property: The water rates shall be charged against the property on which water is furnished, and against the owner thereof, and if for any cause, any sums owing therefor become delinquent, the water shall be shut off from the property, and in no case turned on again until all such delinquencies have been paid in full. No change in ownership shall affect the application of this rule.

RULE 14: Rental Property: The town clerk may bill the tenants of real property for water supplied to the premises occupied by him, but the fact of such billing to the tenant does not relieve the property owner from responsibility for payment of water service.

RULE 15: Right To Turn Off Water; Additional Charge: For violation of any of these rules or for nonpayment of water rent, for either domestic, sprinkling, or other purposes, the governing body has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of rules, the same shall not be turned on again until back charges are paid, together with a turn on fee of twenty five dollars (\$25.00). This fee may be changed by Resolution at the discretion of the governing body.

RULE 16: Unauthorized Turn On Of Water: Any person, firm, or corporation residing either inside or outside of the corporate limits of a city owning a municipal water system and/or a municipal sewer system which furnishes water or sewer services as a public utility who shall willfully turn on the waterline or sewerline after the same shall have been shut off by or under the direction of the city for nonpayment of water charges or sewer charges or who shall unlawfully take water from such water system or shall unlawfully make use of such sewer system shall be guilty of a misdemeanor. M.C.A. 7-13-4313

RULE 17: Water Shortage; Town Right To Limit Use; Penalty For Noncompliance: The town reserves the right in case of shortage of water, or for any other cause, to make any other order forbidding or suspending the use of water for irrigation or sprinkling, and the town may, in its discretion, at any time, make such orders by giving notice, by posting in three public places that have been designated by ordinance. Any person violating such order shall be delivered by mail or in person a copy of the order and shall advise the customer that if the violation is not immediately resolved water service will be discontinued and will be not be reestablished until the reconnection fee of twenty-five dollars (\$25.00) is paid. This fee may be changed by resolution at the discretion of the governing body.

RULE 18: Irrigation And Sprinkling During Fire: No person shall use any water for irrigation or sprinkling during the process of any fire in the town, and all irrigation and sprinkling shall be immediately stopped when the alarm of fire is sounded in any part of the town, and shall not be begun again until the fire has been extinguished.

RULE 19: Prohibited Acts: The following acts are prohibited:

- A. To place or introduce any foreign, poisonous, harmful or deleterious substance or material into wells, reservoirs, tanks, mains or pipes owned or controlled by the town.
- B. To injure, deface, damage or destroy any machinery, equipment, tanks, water mains or lines, wells, or supplies owned by the town.

C. To open, close, interfere with or connect to any fire hydrant, main, stop valve or curb stop owned by the town.

D. To allow or permit water to be wasted.

RULE 20: Connection By Authorized Person: No person other than an authorized employee of the water department shall make any tap or connection to any main or distribution system.

RULE 21: Metered Service:

A. Where Required: All customers receiving city water service, both inside and outside the city limits and whether new or existing, shall have a water meter installed in a manner approved by the utility.

B. Meter Installation: All new metered water service shall include the installation of a meter with remote reading attachment. The meter shall be located at some convenient and accessible point inside the premises and so located that it cannot freeze.

For installation within the town, the cost of the remote readout and meter of three-fourths inch ($\frac{3}{4}$ ") and smaller shall be borne by the utility. Customers utilizing a meter in excess of a three-fourths inch ($\frac{3}{4}$ ") meter shall bear the costs of the larger meter, but will be credited an amount equal to the present cost of a three-fourths inch ($\frac{3}{4}$ ") meter.

The customer shall also be responsible for any plumbing required to modify piping for installation of a meter in conformance with the utility's standards. The utility shall be responsible for maintenance of the meter except as specified in subsection C.2 of this section.

C. Customer's Responsibility:

1. Customer shall exercise reasonable care in protecting the utility's meter and other utility owned equipment located on his premises. Only utility employees or agents or persons authorized by law are permitted to inspect or handle same.

2. In the event it is impractical to place a meter inside the premises, the customer will be responsible for providing a meter vault that will protect the meter from freezing. Customer shall bear all costs in replacing or repairing the meter should a meter freeze or be damaged by the customer.

D. Final Connection: Final installation of the meter shall in all cases be made by the utility or agent.

E. Meters Sealed: All meters will be sealed by the utility. The breaking of seals by unauthorized persons or other acts of tampering with meters is prohibited.

F. Access To Premises: The duly authorized employees and agents of the utility shall have access at all reasonable hours to the premises of a customer for the purpose of reading or testing of meter, installing, removing or replacing utility property, and other purposes incidental to the supplying of service.

G. Extra Meters: One meter only will be supplied for a single service.

H. Type Of Meters: The utility shall, in its sole judgment, determine the size, type and make of any meter installed and may replace any meter at such time as it determines necessary.

I. Meter Tests: A customer may, upon depositing the estimated cost of the test thereof, require that a meter be removed and tested, in his presence, as to its accuracy. Should the meter be found to be registering correctly, or in favor of the customer, then the cost of such test shall be borne by the customer. If the meter is found to be fast, then the amount deposited for meter testing shall be refunded to the customer, and a

reasonable adjustment made for overcharges for a period not in excess of sixty (60) days prior to the date of the customer's request for a meter test. A meter registering not in excess of plus or minus two percent (2%) of accuracy shall be deemed accurate.

The testing cost shall include the cost of removing, testing and reinstalling the meter; to include the cost of opening and closing the curb stop if required for removal and reinstallation.

J. Estimated Meter Readings: Whenever a meter shall fail to register the consumption of water, the utility will estimate the amount used by averaging the use during the two (2) previous similar months.

K. Ownership: Any water meter, after being installed in a service line, regardless of location or payments received from the customer, shall remain the property of the utility.

L. Failure To Install Meter When Required: Failure of the customer to install a water meter where required by this section or in any other situation determined to be in the best interests of the utility, within seven (7) days of written notice by the utility, shall result in discontinuance of water service by the utility until such time as the meter is installed.

M. In no case will the town furnish water from one meter to two (2) or more houses, whether the same are owned by one person or not.

N. Water And Sewer Rates And Service Charge: Every customer shall pay water and sewer rates and other water service charges according to the schedule established by resolution of the town council, as provided in Montana Code Annotated title 69, chapter 7, part 1; provided, that said resolution shall not have an effective date until ten (10) days after the date of adoption.

O. All bills for water service shall become due and payable at the office of the town clerk on the last day of the month following the month of service, and such bill shall become delinquent if not paid within 30 days. When such bill becomes delinquent, the water operator shall shut off the water and it shall become necessary for such user to pay the amount of such delinquent bill and a fee of twenty-five dollars (\$25.00) for services in reopening the water connection to such delinquent user. This fee may be changed by resolution at the discretion of the governing body.

RULE 22: Single Service per Meter: The town shall not furnish water to two (2) or more houses or separate services from one curb stop.

RULE 23: Restoration of Streets; Payment of Costs: Any streets damaged by a water consumer or his employee shall be restored by such water consumer to its as new original condition. If such repairs are not made within a reasonable time, the town shall make or compile such repairs and charge the same against the property serviced, and such charge shall constitute a lien against said property.

Section 7. Water Service outside of town limits: Any person, firm, or corporation receiving water or sewer service outside of incorporated city limits may be required by the city or town, as a condition to initiate such service, to consent to annexation of the tract of property served by the city or town. The consent to annexation is limited to that tract or parcel or portion of tract or parcel that is clearly and immediately, and not potentially, being serviced by the water or sewer service. M.C.A. 7-13-4314

Section 8. Prevention of Cross Connections and Backflow: . Prevention of direct or indirect cross connections and preventative measures against backflow are the responsibility of both the water consumer and the water commissioner. Possible sources of cross connections within the Plevna water system include swimming pool & spa fill lines, utility service sinks, restaurant/commercial kitchen sinks, stockwater tank fill lines, sprinkler irrigation systems, hose bibs, RV water fill and wastewater dump sites, water tank fill areas, yard hydrants, well pits, meter pits and other areas. Each property owner is responsible for installing and maintaining appropriate backflow

prevention on each potential cross connection. Acceptable backflow prevention measures may include air gap, atmospheric vacuum breaker, hose bibb vacuum breaker, pressure vacuum breaker assembly, double check valve assembly, reduced pressure principle assembly or other measures. The water commissioner has the right to conduct inspections and/or test backflow prevention as well as to order backflow prevention where there is currently no protection in place or the protection is inadequate.

Section 9. Right to Modify Rules and Regulations: The town council reserves the right to alter, amend or modify the rules and regulations of this chapter from time to time as in the judgment of the town shall be expedient.

Section 10. Contract with Town of Plevna: The rules, regulations, and associated rates herein contained shall be considered a part of the contract with every person who is supplied with water through the water system of the town and every person taking water, shall be considered to express his or their consent to be bound thereby, and when any said rule, regulation or such others as the council may adopt are violated, the water shall be shut off from the building or other place of such violation, and shall not be turned on again except by order of the water operator or the council, and on the payment of the expense of shutting off and turning on of the water, and such other damages as the council shall deem to have accrued and a satisfactory understanding with the party that no further cause for complaint shall arise.

FIRST passed and approved by the Council of the Town of Plevna, Montana this 10th day of August, 2015.



William E. Benner, Mayor

Attest:



Jodi Miller, Town Clerk

FINALLY passed and approved by the Council of the Town of Plevna, Montana this _____ day of _____, 2015

William E. Benner, Mayor

Attest:

Jodi Miller, Town Clerk

Aldermen:

T.C Shelhamer _____

Shawn Sander _____

Roscoe Gray _____

Gary Thielen _____