

ORDINANCES No. 2015-01

AN ORDINANCE PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS GOVERNING THE TOWN OF BROADUS WATER UTILITY. THIS ORDINANCE SUPERSEDES ALL PRIOR RULES AND REGULATIONS REGARDING THE WATER UTILITY

STATEMENT OF PURPOSE

The Town of Broadus adopts this Water Ordinance containing rules and regulations for the operation of the Town of Broadus Water Utility. It is the intent of the Town of Broadus that these rules and regulation shall be applied equally and consistently to all consumers of the Town of Broadus Water Utility. All users of the Town's Water Utility are subject to this ordinance and the rules and regulations contained herein, and to any changes in these rules and regulations, or new rules and regulations as may be adopted from time to time by the Town. These rules and regulations are in addition to rules and regulations formulated under State Law.

1.0 DEFINITIONS

- 1.1 Consumer – as used in this ordinance is one who utilizes the water system of the Town of Broadus and includes, but is not limited to, the landlord or property owner.
- 1.2 Property Owner – as defined in this ordinance means the owner of record of the property
- 1.3 Volume Ratio Unit - as used in this ordinance is based on a ¾ inch service connection. To achieve the volume ratio unit the ¾ inch connection is squared giving a VRU of 9/16 square inches. A 9/16 square inch VRU is used by the Town to determine the base rate for all connections.

2.0 GENERAL RULES AND REGULATIONS GOVERNING WATER SERVICE

- 2.1 Application for Water. Application for the use of water must be made at the Town Office. Service will be furnished to any customer who fully and truthfully sets forth all the purposes for which water may be required, and who agrees to and conforms with all rules and regulations governing the service; provided the purposes set forth comply with all the Town's rules, and that the system of mains and pipes extends to the point where the service is desired, and is adequate to supply the applied for service. The Town will contract only with the property owner for the supply of water.

3.0 WATER SERVICE

- 3.1 Water Service Lines. Once the application for service has been made and granted, the Town will tap the main for the consumer. Following the tap the Town shall install a buried corporation stop which will allow said service line to be shut off or disconnected for reasons explained later in this text. The pipe will continue to the property line of the town and the property owner where a Curb stop will be placed. The Town will bore the responsibility of this portion of the line and will be required to use type K copper pipe or Poly Urethane pipe not less than SIDR-7, 200 psi and meet the minimum requirements of the State of Montana Plumbing Code. Each residential or commercial unit shall have an individual meter. Minimum size for residential service line will be three quarter inch (3/4"). Exceptions to the individual meter requirement are as follows.
- 3.2 Consumers Obligation for Service Line. All expense of lying and maintaining the service pipes from the Curb stop to the consumer premises must be borne by the consumer. This service pipe must be type K copper or poly pipe with a minimum 200 PSI rating. If said non metallic pipe is used a suitable tracer wire must be ran so utility can be located. The service pipe must be laid below the street grade, at a stand and depth designated by the Town to prevent freezing or damage to the pipe.
- 3.3 Towns Obligation for Water Service Line. The town will be responsible from the water main to the Curb stop including the Corporation stop.
- 3.4 Hook-ups; Permission Required. No plumber or other person may make connection with any pipe or other fixture connecting therewith or to turn water off or on without first obtaining the permission of the Town.
- 3.5 New Connection and Hook-up Fee. New Connection and hook-up fees will be determined under the volume rate unit system. The new connection fee will be determined by multiplying the VRU Base Rate by the number of months that have passed since August 1990. In addition to the new connection and hook-up fee, if Town personnel complete or assist with the actual hook-up from the curb stop to the consumer's premises, the consumer will reimburse the Town the cost of labor and materials.

4.0 WATER METERS

- 4.1 **Water Meters Generally.** Water meters for the measurement of utility service provided by the Town shall be furnished by the Town and installed by a plumber or Town personnel. Remote read-out boxes will be installed by the Town on metered premises wherever possible for regular meter reading schedules.
- 4.2 **Installation and Protection of Meters.** (1) The meter must be located where it is easily accessible for reading purposes and repair. The cost of installation for the meter will be borne by the consumer. (2) The meter must be located where it is protected at all times against freezing and other damage. Suggested locations include meter pits, basements and utility rooms. In the case of a frozen meter, the Town will shut off water service to the premises until the frozen meter is repaired or replaced. The consumer will bear the expense for changing and/or repairing the frozen meter, including all labor and parts, with a minimum charge of \$25.00.
- New services installed and existing services replaced will install a shut off on both sides of the meter.
- 4.3 **Interference with Meter Prohibited.** Water consumers are not permitted to interfere in any way with the meter or readout after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the Town will estimate the amount of water used and render a bill.
- 4.4 **Meter stoppage, Charges.** If a meter is stopped for any reason, so that it is not correctly recording the consumption of water, the Town may average the amount due of the current, using the past two months as a basis of such average. The consumer shall have the right, however, to contest such a finding and may present evidence contrary to the Town's finding in front of the Town Council. The Town Council shall then render its decision as the proper amount to be charged.
- 4.5 **Incorrect Meter Readings: Adjustments.** The Town may replace any meter at its discretion and shall have total discretion to designate the make of any meter installed. Should a dispute arise as to the accuracy of a meter, the consumer, upon deposition the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy in his presence. In case the meter is found to be registering correctly or incorrectly in favor of the consumer, the cost of such testing and replacing shall be borne by the consumer. In case the meter is found to be recording incorrectly and against the consumer, the amount deposited by the consumer will be refunded and a reasonable adjustment made for over charges for a period not exceeding 60 days previous to the demand by the consumer for a test to be made.

5.0 AREA OF SERVICE

5.1 Service of Area Outside of Incorporated Town Limits. Services will be provided outside the incorporated limits of the Town of Broadus on a per case basis and at the sole discretion of the Town Council. As a general rule, no services will be provided outside town limits unless one of the following assurances is provided:

- (a) A waiver of protest to annexation of the property requesting service signed by all property owners, notarized, filed and made part of any transfer of ownership of that particular property.
- (b) A petition for annexation of the property requesting service has been accepted and approved by the Broadus Town Council and any other governing body as required by law.

5.2 Annexation of Private Water Facilities by the Town of Broadus. All private water facilities, including, but not limited to, lift stations and service lines must be constructed so as to meet the minimum requirements under State Law and Regulations and any water ordinances enacted by the Town. In the event that the private water facilities are not in compliance with State Law and Regulations or the provisions herein, the Town, in its discretion, may disconnect service or decline annexation of said water facilities until said facilities are brought into compliance with State Law and Regulations and ordinances of the Town.

6.0 SPECIAL USE

- 6.1 **Special Permits.** Special Permits for water used by any person, firm, corporation, or consumer, not on a regular billing basis, may be obtained by filing the required form with the Town specifying the purpose, length of time, and estimated amount of water required. Charges will be based on the bulk rate schedule.
- 6.2 **Building Permits Required for Construction.** Contractors, builders, or owners are required to obtain a permit for the use of water for building and other purposes and construction work. Consumers are prohibited from allowing contractors to use their fixtures unless they produce a permit specifying the premises on which the water is to be used. Consumers must pay for all water used during construction previous to the water being turned on at any new building. Consumers must additionally comply with any building codes as provided by law. Specifically, a consumer and his contractor must comply with the state building code and state plumbing code.

7.0 BILLING PROCEDURE AND DELINQUENT ACCOUNTS

7.1 When Payment Due. All bills for utility services furnished by the Town shall be due and payable at the Town Office the 25th day of each month. Receipt of the bill by the customer is presumed rebuttal. If the consumer fails to receive his monthly bill, it is the consumer's responsibility to contact the Town. The Town shall then issue a duplicate bill.

7.2 Bills to be Issued to Property Owner. Accounts for service provided by the Town shall be in the property owner's name only. Bills shall issue from the Town to the property owner. Duplicate bills will be sent to the renter/occupant if requested by the property owner or renter/occupant, but the account still remains in the property owner's name and is solely responsible for the account.

7.3 Delinquent Accounts Defined. In the event that any bill for services shall not be paid in full when due, the Town shall have the right to discontinue all services furnished by the Town to the delinquent consumer. A delinquent account is an account that remains unpaid for a period of sixty (60) days following the original billing.

7.4 Discontinuance of Utility Services: and Notice of Discontinuance. In the event that any utility bill is delinquent, the Town shall notify the consumer (and occupant if known) of the delinquency and the intent of the Town to discontinue service if the same is not paid within ten (10) days of the notice.

7.5 Resumption of Service. After the water has been turned off by the Town for nonpayment of the utility bill, the water will not be turned on anywhere in the Town for that consumer until the consumer has paid the utility bill, together with the actual cost of resuming the service, or a minimum of fifty dollars (\$50.00).

8.0 DISCONTINUANCE OF WATER SERVICES

8.1 Permanent Discontinuance of Service. Should a consumer wish to permanently discontinue the use of water for any purpose, the fixtures and service pipes/lines must be removed and the connection to the town's water main plugged. Notice must be given to the Town Office before any reduction of rates will be made.

9.0 SAFETY PROVISIONS

9.1 Shut-off; Boiler Safety. Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies, their water line may be shut off at any time. All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers due to sudden loss of pressure. As soon as water is turned off, the hot-water faucets should be opened and left open until water is again turned on. The consumer is prohibited from leaving the premises with any faucets open, and water turned off. A check valve must always be placed between the boiler and the Town mains to prevent draining the boiler.

9.2 Shut-offs Within a Building. At some convenient point inside of the building or premises and so located that it cannot freeze, a stop and waste cock must be placed so that the water can be readily shut off from the building or premises and the water pipes drained to prevent freezing. Services established after August 1990, require a shut-off on both sides of the meter. Both shut-offs must be readily accessible to the Town at all times.

10.0 NO WASTE PERMITTED; EMERGENCY SITUATIONS; AND ACTS OF GOD

10.1 Policy on Efficient Use. It is the policy of the Town to promote the efficient, responsible use of water throughout the Town's Water Utility.

10.2 Water Waste Prohibited. Waste of water is prohibited. Consumers must keep their service pipes in good condition, at their own expense, and all water ways closed when not in use. Leaking fixtures should be repaired at once. If the Town gives notice to repair a leaking fixture and it is not repaired after a reasonable Notice; the Town may shut off water service.

10.3 Water Shortages-Defined. Whenever the Town determines that an emergency exists, or that the water supply available to the Town for essential function is in jeopardy because of drought, flood, natural disaster, other act of God, or any other cause beyond the control of the Town, the Town may impose such restrictions on the use of water as it determines to be necessary to meet such emergency. In the event the Town declares such an emergency and imposes restrictions on the use of water, all users of the Town's water system shall submit to those restrictions.

10.4 Regulation of Outdoor Water Use During Water Shortage. Whenever the Town determines that an emergency exists as provided in Section 10.3, Outdoor water use within the Town water system shall be required as follows:

- (a) Residential lawn watering will be prohibited between the hours of 10:00p.m. and 6:00 a.m.
- (b) Residential lawn watering during permitted hours will be conducted with no more than two (2) sprinklers or fifty-foot hoses. Hose diameter shall not exceed five-eighths inch.
- (c) No watering shall be conducted with an open hose.
- (d) Residential users with underground sprinkling systems and commercial and public water systems shall be regulated by the Town water department.

10.5 Amendment of Regulations by Resolution During Water Shortage. Upon adoption of a resolution by the Town Council declaring an emergency, the Town Council may, by resolution, amend and modify the restrictions set forth in Section 10.4 and make such other regulations pertaining to the use of water within the Town as is deemed best in the public interest.

10.6 Acts of God. The Town shall not be responsible for any interruption in service to consumers and any resulting damage due to acts of God.

10.7 Abatement of Water Charges During Interruption of Service. Any temporary failure on the part of the Town to supply service by reason of accident or otherwise shall not render the Town liable beyond a pro-rate abatement of service charges during such interruption.

11.0 EFFECT OF ADOPTION OF ORDINANCE

This ordinance, when adopted, revokes, replaces, and supersedes all other ordinances, resolutions, policies, and representations of any kind made by the Town which are found to be in conflict with the terms and provisions of this ordinance.

12.0 SEVERABILITY

Should any provision in this ordinance be found to be in conflict with Federal or State Law, or shall in any other way be found to be illegal or unenforceable, such provision shall be considered stricken and the remaining provisions of this ordinance shall remain in full force and effect as though the stricken provision had not been enacted.

13.0 RATES

The Town adopts rates which are based on the Variable Rate Unit formula. Such rates may be revised, altered and amended by resolution from time to time by the Town in accordance with applicable State Law.

13.1 Monthly Base Rates for Meters. The basic volume ration unit as adopted by the Town of Broadus is a ¾ inch connection. A monthly base rate on the various size meters will be charged based on the volume ration unit.

13.2 Consumption Charge. The Town will bill the consumer for the total of the monthly base rate plus the actual gallons consumed.

13.3 Vacant Lots & Buildings. All connections, including those to vacant lots and empty buildings, will be charged a monthly base rate if the location of the curb stop is known and service is available, regardless if the service is being used or not. The VRU Base Rate will have a ten (10) year cap.

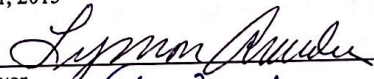
13.4 VUR Base Rate Charged per Meter. The monthly base rate will be charged per meter. In cases where services are disconnected and the meter(s) has been removed, Section 13.3 will apply.


13.5 Connection Fees for New Hook Ups. Connection fees for new installations will be in accordance with Section 3.5.

13.6 Bulk Rate. The Town will adopt rates for bulk water.

This ordinance shall become effective 30 days after its passage on second reading.


Read, considered and passed first reading this 3rd day of November, 2015

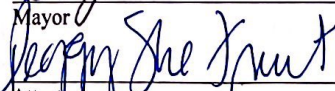


Mayor


Attest

Read, considered and passed second reading this 1st day of December, 2015



Mayor


Attest



Effective this 1st day of January, 2016