





Title 4

WATER

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Chapter 4

WATER

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Management and Operation

Sec. 4.01.001. Operation and Management.

The Community Service Officer shall have control and management of the water distribution system, the waterworks wells and equipment subject to Town ordinances and water regulations adopted by the Town Council. (Ord. 61, 5-9-2001)

Sec. 4.01.002. Community Service Officer--responsibility.

The Community Service Officer shall be responsible for the management of the waterworks plant, wells and distribution system and shall be responsible and answerable to the Town Mayor. (Ord. 61, 5-9-2001)

Sec. 4.01.003. Community Service Officer--supervision.

Community Service Officer shall supervise and conduct the plant operation and the distribution system in accordance with the ordinances of the Town. The Community service Officer shall have supervision over all contracts concerning the water system. The Community Service Officer shall recommend the ordering of all equipment and supplies needed to operate or extend or maintain the waterworks plant, wells and distribution system. The Community Service Officer shall supervise and have charge of all construction, placing and erection of all buildings, engines, pumps, fixtures, filters, basins, wells, intakes, reservoirs and grounds. The Community Service Officer shall have charge and be responsible for all tools, materials and stocks on hand. The Community Service Officer shall supervise the installation of all taps for water service and examine the service pipes to see that they are properly laid and that curb blocks are placed in proper position on each service as provided by regulations. The Community Service Officer shall perform such other duties as directed by the Mayor. (Ord. 61, 5-9-2001)

Sec. 4.01.004. Records and reports.

The Community Service Officer shall make or cause to be made the following correct and accurate records, which records shall be filed and maintained in the Town office:

A. Of all mains laid, all valves, taps, service boxes, tees, crosses and hydrants located in the distribution system;

B. Of all services to consumers' premises, including the meter locations and sizes, including the distance in feet and inches of each tap from the intersection of the main with the street line of the nearest street; which record shall be filed with the Town Clerk not later than the following day after making such tap;

C. Report the receipt and disposition of all tools, materials and stock to the Town Clerk, who in turn shall keep an inventory record of all properties;

D. Annually make an actual count of all such properties and present same to Town Mayor and Town Council;

E. Have all monthly meter readings of all meters in use, in number of gallons or cubic feet recorded promptly with the Town offices;

F. Be vigilant to detect and warn against abuses whether from waste or other improper use of water;

G. Make a time distribution record for all labor performed, showing when and for what purpose the work was performed. (Ord. 61, 5-9-2001)

Sec. 4.01.005. Accounting and billing.

A. The accounting and billing for water department funds shall be the responsibility of the Town Clerk.

B. Water Department receipts and expenditures shall be accounted for as separate funds of the Town.

C. Water bills will be mailed monthly. (Ord. 61, 5-9-2001)

Water Service

Sec. 4.02.001. License--application--fee.

It is unlawful for any person to run any water service pipe for any person whatsoever without having a State plumber's license. (Ord. 61, 5-9-2001)

Sec. 4.02.002. License--bond required--conditions.

A. All plumbers working in the public right-of-way shall file with Clerk a minimum bond in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the governing body, conditioned that the license shall properly refill any and all trench or trenches made or dug by him in all thoroughfares of the Town, and shall keep and maintain the same in a safe and passable condition, and level and even with the street surface for a period of two (2) years from and after the time the same has been refilled.

B. Anyone other than a plumber, must purchase a street opening permit from the Town for thirty dollars (\$30.00) and furnish proof of bonding as set forth in subsection A of this section.

(Ord. 61, 5-9-2001)

Sec. 4.02.003. Compliance with Town.

No person, firm, or corporations may lay or repair water pipes or do anything in connection with the water distribution system of the Town without written authorization from the Town and then only in accordance with this Title. (Ord. 61, 5-9-2001)

Sec. 4.02.004. Water service line--installation regulations generally.

Every person, firm, corporation, or licensee under this Title wishing to install, repair, extend, alter, relocate, replace, or otherwise modify any water service line or pipe, or wishing to excavate any trench for the purpose of laying or repairing any water service line or pipe, shall comply with the requirements set out in this Title. (Ord. 61, 5-9-2001)

Sec. 4.02.005. Water service line--permit required.

For any such water service line, the person, firm, corporation or licensee under this Title shall obtain from the office of the Community Service Officer a water service line permit, which will give the location, nature, and purpose of the proposed work. This permit must be available at the site of work at all time during the progress of the work and must be shown to any officer of

the Town upon demand. Permits, fees, and inspections are as shown in the subsections below. A customer must furnish all easements, cleared right-of-way, and permits necessary to enable the Town to supply the service required. Town may elect to obtain rights-of-way, easements, and permits across and along public property, but customer or prospective customer is not thereby relieved of the obligation to clear same initially.

A. Permit Requirements and Fees.

1. Two-inch and smaller diameters. Size of service to be stated on permit. The normal residential and/or sprinkling tap shall be three-fourths (3/4") inch and the service shall be three-fourths (3/4") type "K" copper. Larger taps or services will be supplied at the option of the Utility.

2. Over two (2) inch diameter. Plans shall be submitted containing the following:

a. A complete list of proposed materials by type and brand name, all of which must comply with Town of Clyde Park standard specifications for water mains and appurtenances; including Montana Department of Environmental Quality ("MDEQ") Standards and Montana Public Works Manual.

3. Permit fees for water service work shall be as per Tables (A) and (B) of this Section.

4. Permit requirements shall be based on the type and nature of the work anticipated and may include one or all of the following:

a. Tapping Permit. This permit shall be issued for any new or replacement tap being made on a water main. See Table (A) for fee schedule.

b. Street Opening Permit. This thirty-dollar (\$30.00) permit shall be issued for any excavation in a dedicated right-of-way. Fee schedule for specific work shall be as per other sections of the Town Ordinances.

c. General Plumbing Permit. This permit shall be issued when any water service piping is repaired, altered, or installed. Fee schedules shall be as per the Uniform Plumbing Code and the Town's most recent schedules, for lines two (2) inches and smaller. For lines larger than two (2) inches, this inspection permit shall be as per fee schedule on Table (B).

d. Connection Fee. This fee shall be added to each general plumbing permit at the time of water service extension from the curb box to the building, and shall be charged for new construction only as of the date of enactment.

B. Inspection and Testing.

1. Inspections. The Community Service Officer or his authorized representative shall inspect and approve all water service work under this title. Notification shall be by the permittee when the work is ready for inspection. An inspection will be made by the end of the next working day. For two (2) inch and smaller diameter pipes, all materials and installation shall conform to Uniform Plumbing Code, state law and this Chapter.

2. Testing. Before any trench containing such water service is filled, or pipes covered, all pressure tests shall be conducted satisfactorily. For pipes larger than two (2) inches in diameter, pressure, leakage, and bacteriological tests shall be conducted in accordance with Town of Clyde Park standard specifications before acceptance. The permittee shall pay by direct billing for all test taps, testing equipment, time and chemicals used in making tests. The fees for inspection of lines shall be as per Table (B).

Table (A)
Tapping Fee Schedule
(per tap)

Size (in inches)	Fee (in dollars)
3/4	300
1	500
1 ½	750
2	1,000

Multiple unit development using a single tap, shall be charged an additional fifty dollars (\$50.00) per unit. A connection for a person whose premises are located outside the Town shall require a Waiver of Protest of Annexation and request for Rural Fire District withdrawal and the Town Mayor to make a recommendation to the Town Council to approve extension. This tapping fee must accompany the application.

Table (B)
Inspection Fees

Fees shall be \$15.00 plus:	\$0.35 per foot for the first 50 feet
	\$0.30 per foot for the next 250 feet
	\$0.25 per foot for the all over 300 feet.

(Ord. 61, 5-9-2001)

Sec.4.02.006. Water system development fee.

A. Except for Town owned buildings and facilities, a water system development fee shall be charged and shall be paid according to the size of the water service line utilized as follows:

Meter Size	System Development Fee
5/8"	\$750.00
3/4"	750.00
1"	1,327.00
1-1/4"	2,077.00
1-1/2"	3,000.00
2"	5,325.00
3"	12,000.00
4"	21,300.00
6"	24,000.00
8"	88,275.00

B. The water system development fee shall apply only to new service lines. The fee shall not apply to service lines already installed but not metered or to equivalent (but not larger)

replacement lines that are replaced within one hundred twenty (120) days of termination of use of use of a service line.

C. The water system development fee shall be in addition to all other permit and tapping fees and shall have no impact upon the current practice of charging customers for additional expenses the Town incurs in making a new connection into the Town's water main. This practice of charging the new customer for these incidental expenses of materials and manpower shall continue.

D. The water system development fee shall preferably be paid before obtaining a building permit but must in any event be paid before the water is turned on. All moneys collected through this water system development fee shall be deposited directly into the capital improvements sub-account for the Clyde Park Water Utility Enterprise Fund Account. The account shall be only used for capital improvements of the Town's water system. The account shall not be used for replacement nor maintenance of existing lines and/or facilities, or for debt service.

(Ord. 61, 5-9-2001)

Sec. 4.02.007. Excavations--regulations.

Trenches for water pipes shall be so excavated as to give the pipe an even bed of solid earth. No water pipe shall be placed in a sewer trench. All excavations shall meet OSHA regulations and safety standards. Separations between water and sewer lines shall meet state health requirements. (Ord. 61, 5-9-2001)

Sec. 4.02.008. Excavation--barricade sign.

Excavations in public streets or alleys shall be made so as to impede travel as little as possible. When it is necessary to excavate entirely across the street, barricades or distinctly legible signs shall be placed at each end of the block per MUTCD (Manual of Uniform Traffic Control Devices) and Town of Clyde Park standards. (Ord. 61, 5-9-2001)

Sec. 4.02.009. Excavation--barricade--lighting hours.

Barricades shall be placed around excavations at all times, and reflective or lighted barricades shall be maintained from dark until sunrise. (Ord. 61, 5-9-2001)

Sec. 4.02.010. Excavations--refilling.

Trenches shall be backfilled to meet ninety-five (95) percent of maximum dry density as determined by AASHTOT-99 Specifications. All materials, pavement, and adjacent improvements shall be restored and replaced in-kind. The trench shall be guaranteed against settlement for two (2) years by the permittee, under terms of the street opening bond as provided in other sections of this Code. (Ord. 61, 5-9-2001)

Sec. 4.02.011. Private water supply--definitions.

The following definitions shall pertain to interpretation and construction of this Chapter.

A. "Private water supply system" means any assemblage of pipes, hose, conduits, pumps, tanks, siphons, etc., whereby water is obtained from any well, spring, pond, digging, river, or lake, to be used on or above the ground for any purpose.

B. "Person" means any individual, firm, copartnership, corporation, company,

association, joint stock association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof. (Ord. 61, 5-9-2001)

Sec. 4.02.012. Private water supply--permit--inspection--fee--set back requirement.

A. Every person who owns or occupies premises which are furnished water from the municipal water system, and who has or intends to construct a private water supply system for irrigation purposes on the premises, must apply to the Town Community Service Officer for a yearly permit to have such private water supply system.

B. The application fee and inspect fee for any new well drilled after the effective date of this amendment, which is October 4, 2002, will be fifty dollars (\$50.00). (Amended, Ord. #62, 9-3-2001)

There will be an annual permit and inspect fee of ten dollars (\$10.00) assessed each January for all wells within the municipal city limits. (Ord. #62, 9-3-2001)

C. The Community Service Officer is authorized to inspect such private water supply systems thereafter as often as he deems necessary, but not less than annually. (Ord. #61, 5-9-2001)

D. No private well or water supply system will be drilled or placed within five feet (5') of any boundary line. A variance may be applied for, and no fee will be assessed for the application, if in the opinion of the land owner and well driller it is necessary to drill the well within five feet (5') set back requirements. (Amended, Ord. #62, 9-3-2001)

Sec. 4.02.013. Drilling of new water wells prohibited.

A. No person or corporation may drill any new water well within the Town limits of the Town of Clyde Park except for irrigation purposes. This shall not apply to municipal wells.

B. That wells that are presently used, as of the date of this amended ordinance, by the owner of a premises for domestic water purposes, and the Town water line is extended to the street in front of the owner's premises, may continue to use the well for domestic water purposes until the present owner sells, transfers, conveys, or in any fashion transfers their interest to another person or entity. At that time the new owner of the real property must connect into the Town water system and bear the cost of such, which will include the installation of the line from the premises to the Town water system curb block. The installation must be completed within 60 days from the date of the closing for the sale of the property. The well is not required to be capped, but the well use is limited to agricultural purposes only. (Ord. 61, 5-9-2001, Amended, Ordinance 68, 4-5-2004))

Sec. 4.02.014. Private water supply--connection to Town system.

There shall be no physical connection between any private supply system and the municipal water system. (Ord. 61, 5-9-2001)

Sec. 4.02.015. Private water supply--violation--penalty.

Violation of any of the provisions of this Section II is a misdemeanor and is punishable pursuant to the general penalty provided by this Code. In addition to the foregoing penalty, upon receiving notification from the Water Department of a violation of any part of Secs. 4.02.001 through 4.02.014, the Community Service Officer shall immediately cause the municipal water supply to be shut off from the premises where such violation is found. The municipal water

service shall not be restored until such violation is corrected and has been duly inspected by the Community Service Officer. (Ord. 61, 5-9-2001)

Water Department—Rules and Regulations

Sec. 4.03.001. Applicability.

The rules and regulations of the Town set out in this Section III are made a part of the contract with every individual, firm or corporation who takes water, and every such individual, firm or corporation agrees, in making an application for water, to be bound thereby. (Ord. 61, 5-9-2001)

Sec. 4.03.002. Water service area.

The water service area shall be:

A. Inclusive of all premises annexed to the Town and bounded by the incorporated Town limits as the same may be adjusted to the Town Council; and

B. Restricted to those premises abutting a public right-of-way and directly adjacent to a water main located therein.

C. The sole exception thereto shall be only buildings (not any vacant lots or vacant real property adjoining buildings or adjoining the water service line) where service lines are in place and legally existing prior to the enactment of this Ordinance. No enlargement of such lines shall be allowed. (Ord. 61, 5-9-2001)

Sec. 4.03.003. Property owners contracted with Town--deposit.

The Town contracts with the owners of property who are considered the customer. The word "customer" as used herein, shall mean any individual, partnership, association, firm, public or private corporation or governmental agency receiving water service from the Town within the water service area. In the case of a rental property the property owner is considered the ultimate customer and responsible for payment of service. The Town shall bill the landlord for service. The Town, at the discretion of the Community Service Officer, may require a deposit from anyone contracting with it equal to twice the estimated amount of the monthly bill. Deposits shall be mandatory in instances where water service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills.

Application for the use of water must be made at the Town Hall on a printed form furnished for that purpose. Service will be furnished to any consumer who fully and accurately sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided that purposes set forth comply with all the Town's rules, and that the system of mains and pipes extends to the point where service is desired and is adequate to supply the service applied for. (Ord. 61, 5-9-2001)

Sec. 4.03.004. Water service--application.

An application for the introduction of water service to any premises must be signed by the owner of the premises and must be made on the regular form furnished by the Town for that purpose. When such an application has been granted, the Town will tap the main and furnish labor and material per Section 4.02.005. All the expense of laying and maintaining the service pipes from the curb block to the consumer's premises must be borne by the consumer. The

service pipe must be laid below street grade and on the consumer's premises, at a standard depth, designated by the Town to prevent freezing. A curb block of the approved pattern with a cast iron curb box must be installed by the Town.

Waiver. Before customers living outside the Town limits may hook up or receive service they must sign a waiver of protest to annexation and request for Rural Fire District withdrawal which protest waiver will be filed against the user's property. The execution of the waiver application does not guarantee hook-up to any applicant.

Town Council's Right to Refuse Service. The Town Council may refuse service to any delinquent customer owing utility for service at present or previous location in the Town area, until such past balance has been paid or satisfactory arrangements in the Community Service Officer's own opinion, have been made by delinquent customer with Town for paying same. These same provisions shall apply and Town Council may refuse service to any other member of the same household or firm when application by this member, in the opinion of the Town Council, may be a means for evading payment of the delinquent service bill. The Town Council may refuse service if party refuses to make deposit as required under Sec. 4.03.003. (Ord. 61, 5-9-2001)

Sec. 4.03.005. Water service--stop and waste cock.

A. At the point of service entrance, and from one (1) to three (3) feet above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the building. Full way gate valves or rotary valves, which include ball, cone and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to copper service lines three-fourths (3/4) inch through two (2) inch by means of copper flare connections.

B. No branch connection shall be made to a service line between the main and the entrance valve, and where a meter is required, no branch connection shall be made between the main and the meter.

C. Owners, agents and tenants should familiarize themselves with the location of the stop and waste cock, which should be installed in such a manner as to drain the entire system of the building, and close it as soon as the property becomes vacant, thereby preventing pipes bursting from freezing. The shutting off of the water at the curb block will drain the pipe system. (Ord. 61, 5-9-2001)

Sec. 4.03.006. Water service--consumer responsible for faulty fixtures.

Waste of water is prohibited, and consumers must keep their fixtures and service pipes in good order at their own expense, and all water ways closed when not in use. Leaky fixtures must be repaired at once without waiting for a notice from the Town, and if not repaired after reasonable notice is given the water will be shut off by the Town. (Ord. 61, 5-9-2001)

Sec. 4.03.007. Water service--connection--permission required.

No plumber or other person will be allowed to make a connection with any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn off or on, on any premises without permission from the Community Service Officer. (Ord. 61, 5-9-2001)

Sec. 4.03.008. Water service--curb block--person responsible--maintenance.

A. Service pipes shall be so arranged that each separate building and/or house shall be supplied by a separate service line from the Town curb block, except that an institutional campus that is owned by a single public entity which is defined as being a school district, municipal corporation, political subdivision of the State of Montana and the State of Montana, or as excepted in this Title, shall not be required to have a separate water service line for each building located on such campus so long as that campus continues to be owned by the public entity if the Town can provide adequate water service as required by the Town of Clyde Park Municipal Code. The public entity will also be required to provide to the Town of Clyde Park a covenant that in the event that the public entity sells such property that this exemption will then cease and a separate service line will then be installed as required by this section. A curb block shall be installed in each service line so that the supply may be controlled from the street side of the property line, under rules established by the Town.

B. The Town maintains the curb block, but the owner will pay for any owner caused damage. The Town will shut the service line off at the curb block but will not repair or replace the service line. In both of the foregoing instances, a reasonable effort will be made to contact and inform the owner of the action to be taken by the Town. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored. (Ord. 61, 5-9-2001)

Sec. 4.03.009. Water service--discontinuance.

Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the Town, when notified to do so in writing, will shut off the water at the curb block.

A. Termination of Service by Customer. Customer shall give the Community Service officer at least twenty-four (24) hours' notice, Saturdays, Sundays and holidays excluded, to terminate service, unless longer notice of termination is provided for in the Clyde Park Water Department Consumer Contract.

B. Discontinuance and Refusal of Service by Town Council. The Town Council may refuse to serve or discontinue service to any customer or prospective customer including any other member of the same household or firm as follows:

1. Without Notice:

- a. In the event of any condition determined by the Community Service Officer to be hazardous;
- b. In the event of customer use of equipment in such a manner as to adversely affect the Town's equipment or the Town's service to others;
- c. In the event of any unauthorized use or diversion of service or when any evidence of tampering with meter or interference with the proper functioning thereof is found; or,
- d. Upon receipt of orders from government authority to discontinue service.

2. Upon Not Less than Twenty-Four (24) Hours:

- a. For violation of and/or noncompliance with any applicable Federal, State, Municipal or other local laws, regulations, and codes;
- b. For failure of the customer to fulfill his contractual obligations for service; or,
- c. For failure of the customer to permit Utility reasonable access to equipment

owned by the Town.

3. Upon Ten (10) Days' Written Notice:

a. Waste of water is prohibited, and customers must keep their fixtures and service pipes 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 Town, and if not repaired after ten (10) days' written notice is given, the water may be shut off. (Ord. 61, 5-9-2001)

Sec. 4.03.010. Water service--inspection--right of entry.

The Town's agents or other authorized persons shall have access at reasonable hours to any premises where water is used for the purpose of making an inspection or investigations. (Ord. 61, 5-9-2001)

Sec. 4.03.011. Water service--violation--penalty.

For violation of any of rules set out in Sections 4.03.001 through 4.03.010 or for nonpayment of water usage, the Town 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 the rules, the same shall not be turned on again until back payment and the cost to turn the water off and on are paid. The charge for this service shall be Twenty-Five (\$25.00) during normal working hours and Fifty Dollars (\$50.00) for any other time.

The Town shall take appropriate legal action to collect the unpaid charges, including, to the extent now or hereafter authorized by law, making the charge a lien against the real property served by the water connection for which the charge remains unpaid and causing charges with respect to such properties to be collected in the same manner as taxes levied against property within the Town. (Ord. 61, 5-9-2001)

Sec. 4.03.012. Water service--utility responsibility.

The Town is responsible only to the customer for supplying water service in accordance with conditions set forth in the service agreement with the customer, irrespective of ownership of the premises served. The Town shall not be responsible for inconvenience, damage or injury to persons or property resulting from the Town's discontinuance of service to any premises. (Ord. 61, 5-9-2001)

Sec. 4.03.013. Metered service.

The water meter and remote meter shall be furnished by the Town and a charge made to cover the cost of the meter and remote. The Town shall set the meters in place, provided proper receptacles are provided for them. Remote receptacles shall be installed on the house or business and easily accessible to the meter readers. Distance from the ground to the remote shall be approximately forty-four (44) inches. Distance from the front of house or business five (5) feet.

A. Any obstruction which interferes with the installation of the water meter must be removed and replaced by the property owner.

B. A defective water shut-off valve must be replaced by owner. The property owner must replace this valve with the cost of valve and installation charge to the property owner. Curb block locations and shut services to accommodate valve replacement will be provided by the

Town at no charge to property owner.

C. Once a meter is installed, and a property owner requests that a meter be moved for whatever reason, the costs of modifications or special meter settings equipment shall be charged to the property owner.

D. For new construction, the permittee shall fully install the meter and remote and appurtenances and bear the cost of such.

E. All meters will be sealed by the Town. The breaking of seals by unauthorized persons or tampering with meter or meter piping is prohibited by law. Water customers shall not interfere in any way with the meter 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 may render a bill for the current month, based on an average of the last two (2) months, together with the full cost of repairing such damage to the meter and may refuse to furnish water until account is paid in full. (Ord. 61, 5-9-2001)

Sec. 4.03.014. Selection of meters.

A. Selection of meters for customer applications shall be made by the Town. Generally, residential and commercial service lines three-fourths (3/4) inch through one-and-one-half (1 1/2) inches will require displacement meters. Two (2) inch lines may be metered with either compound or displacement types, as determined by the Town. Domestic or process lines three (3) inches and larger to factories, apartment buildings, hotels, office buildings, motels, schools, institutions and commercial establishments will have metering system determined by the Town. Irrigation lines and certain other specialized lines two (2) inches through twelve (12) inches where higher steady flows are typical may be metered with torrent or turbine types. Where fire lines, sprinkler systems or combined fire and service lines two (2) inches through ten (10) inches are fully metered, approved fire main meters will be installed. Master meters for subsidiary water systems will generally be of this same type.

B. Fire and sprinkler lines two (2) inches and over which are under continuous pressure from Town mains are not otherwise fully metered shall be equipped with approved detector check valves incorporating small bypass meters which will record leakage or unauthorized withdrawal and usage of water from the fire system. Detector checks are considered adequate as backflow preventers on fire lines unless fire-retardant or corrosion inhibiting chemicals are introduced downstream. In this case, the Town may require the placement of other devices commensurate with the degree of risk.

C. Every displacement meter, compound meter, detector check and fire main meter shall be installed level in a horizontal plane with register or registers facing upward.

D. Every meter setting shall include approved valves at both the inlet and discharge sides of the meter thereby enabling service or replacement without back flooding. Where backflow preventers are installed immediately downstream from meter settings, no valve is required on the discharge side of the meter.

E. Settings for meters three (3) inches or larger shall include valved bypass lines thereby enabling repair or regular testing without interruption of customer service. Only the Town shall operate meter bypass valves which shall remain sealed in the "off" position when not in use. (Ord. 61, 5-9-2001)

Sec. 4.03.015. Metered service—minimum rate.

Each metered consumer is subject to the minimum charge for such class of service as received. Minimums and rates for additional water are shown on the accompanying schedule of meter rates. (Ord. 61, 5-9-2001)

Sec. 4.03.016. Metered service—meter maintenance.

In all cases where a meter is installed, the consumer must furnish proper protection from frost or other damage, and the meter must be located where it is easily accessible for reading purposes and repairs. Where necessary for protection a standard form of meter box will be placed by the Town. The cost of the same shall be paid by the consumer. After such receptacle is placed, the Town will furnish, at owner's expense, and connect the meter, and maintain the same in good condition. The permittee must pay for any frozen meter. (Ord. 61, 5-9-2001)

Sec. 4.03.017. Metered service—trailer house.

A. All trailer house services shall be required to have meter manholes, located in boulevard areas. The Town shall furnish proper manholes (wood, concrete, plastic, fiberglass or equal) and install same in its proper location. Costs for the manhole and labor shall be charged to the property owner on new construction only. Retrofits by Town shall be paid by Town.

B. All meters provided for trailer house service shall be installed with setters and a proper valve on each side of the meter.

C. Remote readers shall be located within a reasonable distance of the meter and shall be mounted on a suitable post. Distance from ground to the remote shall be forty-four (44) inches.

D. An individual water connection will be provided at an appropriate location for each trailer connection. The connection will consist of a riser terminating at least four (4) inches above the ground surface, with two three-quarter (3/4) inch valved outlets. The outlets shall be threaded enabling connection to the trailer's water piping system with one outlet and the other for use as a hose connection. The ground surface around the riser pipe shall be graded and divert surface drainage away from the connection and the trailer. The riser pipe shall be encased in insulating material in a six (6) inch pipe. An insulated cover shall encase both valve outlets enabling connection to the trailer at all times. (Ord. 61, 5-9-2001)

Sec. 4.03.018. Metered service—meter replacement and accuracy.

A. The Town may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing 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 in favor of the consumer, the cost of such testing and replacing of the meter shall be borne by the consumer.

B. 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 overcharges, for a period not exceeding sixty (60) days previous to the demand of the consumer for a test to be made.

C. The standard of acceptable accuracy shall be American Water Works Association Standard #C-700.

D. The Town will be responsible for the cost of the first meter. The consumer, except as

set forth herein, is responsible for the cost of a replacement meter. (Ord. 61, 5-9-2001)

Sec. 4.03.019. Metered service--incorrect recordation of water consumption.

In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, the Town may average the amount due for the current month, using the previous quarter or the same quarter of the previous year, if available, whichever the Town determines more accurately reflects water usage for the inaccurate period. (Ord. 61, 5-9-2001)

Sec. 4.03.020. Metered service--interference with meter prohibited.

Water consumers are not permitted to interfere in any way with the meter and appurtenances thereto 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 may render a bill for the current month, based on an average of the previous quarter or the same quarter of the previous year, if available, whichever the Town determines more accurately reflects water usage for the inaccurate period, together with the full cost of damage as has been done to the meter, and may refuse to furnish water until account is paid in full. (Ord. 61, 5-9-2001)

Sec. 4.03.021. Metered service--service to two units prohibited--exception.

In no case will the Town furnish water from one (1) meter to two (2) or more houses, mobile homes or any combination thereof, whether the same are owned by one (1) person or not. Mobile home trailer parks, townhouse complexes, campuses, public building complexes, and medical complexes may be excepted. Trailer parks and townhouses must have at least at least four (4) residences to qualify for the use of one (1) meter. (Ord. 61, 5-9-2001)

Sec. 4.03.022. Metered service--single metering point.

The rates named in the schedule of rates and charges for each class of service are based upon the supply of service to the entire premises through a single metering point. An additional supply furnished for the same premises at other points shall be separately metered and billed. However, each business must have a separate meter, and multiple business may not operate from the same meter. The fact that the business is owned by the same person is not an exception to this requirement. (Ord. 61, 5-9-2001)

Sec. 4.03.023. Metered service--readings--billing--payments.

A. The Town shall normally read meters for all customers at monthly intervals. The day of the month for reading any meter as determined by the Town shall as closely as practicable be the same for each reading. The Town at its option may read the meters at less frequent intervals if in the opinion of the utility such procedure tends to certain operating economies, but in no instance shall a meter be read less than once in twelve (12) months. In months where meter reader is unable to gain access to the premises to read the meter on his regular meter-reading trip, or in months where meters are not read, the Town may provide customer with a postcard and request customer to read the meter and return the card to Town Clerk. If such postcard is not received by the Town Clerk in time for billing, the Community Service Officer may estimate meter reading and render bill accordingly.

B. The Town shall normally render bills regularly at monthly intervals. In all instances where meters are read less frequently than once each month, the Community Service Officer

shall estimate the bill for the intervening months. The Town may, to meet unusual conditions, render bills at other than monthly intervals.

C. A bill shall show the service date, the registration on the meter for the end of the billing period, the amount of water used in thousands of gallons and the total billing amount. Each point of delivery shall be considered separately for billing purposes except where contract provides otherwise. The specified information shall be shown and the total billing amount separately calculated for each separate service.

D. All bills shall be due and payable when rendered and become delinquent thirty (30) days thereafter.

E. A customer shall take a complaint to the Community Service Officer. Should the customer not receive a satisfactory answer, the complaint should be taken to the Mayor, and if still not resolved then to the Town Council.

F. Delinquent bills shall accrue interest at the rate of ten (10) percent per annum. (Ord. 61, 5-9-2001)

Sec. 4.03.024. Contract for service.

The rules and regulations of the Town set forth in the Municipal Codes are made a part of the contract with every individual, firm, corporation who takes water, and every such individual, firm, or corporation agrees, in making application for water, to be bound thereby. The customer service contract shall be as per the following format:

TOWN OF CLYDE PARK

Water and Sewer Consumer Contract	Date _____
New Owner _____	Tap No. _____
Previous Owner _____	District _____ Class _____
Property Address _____	Effective Date _____
_____	Meter _____
(City) (State) (Zip)	(Book/Page)

Mail to Name _____	
Mail to Address _____	
_____	Clerk _____
(City) (State) (Zip)	

SELLER: TOWN OF CLYDE PARK, MONTANA

In consideration of these premises, the Town agrees to sell and deliver water service to Consumer at the above address and Consumer agrees to pay for all water services delivered to said address at the rate in force. Metered rate payments for water under this Agreement shall be due and payable on or before the 10th day after statement rendered for water delivered during the previous month.

If Consumer is in default under this Agreement, the Town may immediately discontinue water deliveries hereunder until such default shall be corrected; including payment as stipulated, to cover the cost of turning water off and on.

In addition to the foregoing and all other remedies available, it is agreed all sums that shall be due and unpaid under this contract shall be and are hereby made pursuant to Section 71-3-102, M.C.A., a charge or lien against the real property to which the water had been delivered.

Consumer agrees to abide by all Town water ordinances in Title 4 of the Municipal Codes and rules and regulations of the Town governing use of the water service delivered. All such rules and regulations applicable as they shall from time to time may be amended shall be deemed a part of this contract.

Water services shall be considered on and available unless the Town turns the water off at the curb block.

Consumer understands and agrees that the Town of Clyde Park is not responsible for maintenance and repair from curb block into the improvements on the property. Consumer further agrees that the curb block must be available to the Town at all times. Consumer is responsible for costs involved with maintaining service line from the curb block to the premises.

Consumer grants the Town's agent or other authorized persons access at reasonable hours to any premises where water is used for purpose of making inspection or investigations.

The Consumer agrees to the above stated regulations and notes:

- a. Utility bills are delinquent 30 days after mailing.
- b. Disconnected services will not be reconnected for 24 hours from disconnection. This service will cost twenty-five dollars (\$25.00) during normal working hours and fifty dollars (\$50.00) at other times for reconnection.
- c. Consumer assumes all risks of freezing of service pipes and meter from the service box into said property and will pay all costs incident to the immediate thawing and repairing service.
- d. Consumer agrees to not allow leaks to remain inside property ahead of the installed meter.
- e. Town personnel may shut off the water service to said premises for failure to comply with the rules and regulations.

Delay by the Town in enforcing its remedies hereunder shall never be deemed a waiver of such default or the remedies herein provided; and an actual waiver of one default hereunder shall be deemed a waiver of any other default whether prior or subsequent.

Delinquent utility bills shall accrue interest at the rate of ten percent (10%) per annum. Water, sewer and garbage services are billed as a part of the monthly bill for a unified

utility service billing. Water service will be terminated if the entire unified billing is not paid.

This agreement shall inure to the benefit of and be binding upon the Consumer, his successors or assigns.

IN WITNESS WHEREOF, the parties do hereby execute these presents.

TOWN OF CLYDE PARK

CONSUMER

By: _____
(Date)

(Date)

(Ord. _____, _____)

Sec. 4.03.025. Water to pass through meter when.

Residential Dwelling Unit. The term "living unit" means any room or combination of rooms including trailers and mobile homes, with facilities for cooking, designed for occupancy by one (1) family. Each such unit shall have a separate meter, except as allowed in this Title, with all water used passing through the meters. (Ord. 61, 5-9-2001)

Sec. 4.03.026. Water bill—charges.

If water service is turned off (other than emergency, repair, or maintenance) at the request of the owner, and turned on again, the charge for this service shall be twenty dollars (\$20.00) during normal working hours and forty dollars (\$40.00) for any other time. (Ord. 61, 5-9-2001)

Sec. 4.03.027. Rates to be net.

All proposed rates are net. No customers will be supplied at reduced rates. There will be no "free" water. (Ord. 61, 5-9-2001)

Sec. 4.03.028. Temporary meters for construction sites.

Water for construction purposes will be furnished through temporary meters and paid for at the regular meter rates. In addition to the cost of the water, the customer will be required to pay the actual cost of setting and removing the temporary meter. In case it is not possible or practical to set a temporary meter, the cost will be determined by applying the regular meter rates to quantity of water estimated to the Town. (Ord. 61, 5-9-2001)

Sec. 4.03.029. Service line larger than one inch prohibited when.

No property classified as a family residence shall be allowed to install a service line larger than one (1) inch nor to install more than one (1) service line to serve the property. (Ord. 61, 5-9-2001)

Sec. 4.03.030. Prohibited acts.

It is an offense punishable pursuant to the general penalty provided in this Code for any person to do any of the following acts:

A. To open, close, turn or interfere with, or attach to, or connect a fire hydrant, stop valve or stop cock belonging to the Town;

B. To disturb or damage any pipe, machinery, tools or other property of the Town water system;

C. To deposit or allow to be deposited any deleterious matter within one hundred (100) feet of the inlet pipes to the pumping works;

D. To deface or injure any building or other improvement of the Town water system;

E. To place any foreign thing upon the grounds of the Water system or such portion of the grounds and streets as may be under its control;

F. For any person to fill any tank or container having a capacity of more than five (5) gallons and used for transportation of chemicals or solutions of chemicals of any kind whatsoever with water obtained directly from any water source connected with the Town water system including, but not limited to, public, private, or domestic standpipes, hydrants, taps, pipes, or hoses, unless the same have been equipped with a backflow preventive device approved and inspected by the Town. The foregoing shall not prohibit any person from filling such containers with water obtained indirectly for the Town water system by means of a second or intermediated container, or at water sources in the Town specifically designated and approved by the Town for the filling of containers used for the transportation of chemicals or solutions of chemicals;

G. To use service for other than the purposes specified in the service agreement, contract, applicable rates, or schedules;

H. To remeter, share, sell or permit others to use such service, except when expressly authorized to do so by the rates, schedules or contracts under which the service is supplied;

I. To extend water facilities across or under a street, alley, lane, court or avenue or other public or private space under different ownership in order to obtain a rate advantage by taking service for two (2) or more premises through one (1) meter; or,

J. To use water for fountains, yard sprinklers and all other places where a constant flow of water is maintained, in case of fire or an alarm of fire and while the fire pressure is on the pipes. (Ord. 61, 5-9-2001)

Sec. 4.03.031. Discretion controlled by the Town Council.

In all cases wherein by the rules set out in this Title any discretion is vested in Town personnel, such discretion shall be subject to the control of the Clyde Park Town Council. (Ord. 61, 5-9-2001)

Sec. 4.03.032. Community Service Officer to aid in enforcement.

It shall be the duty of the Community Service Officer to give vigilant aid to the Town in the enforcement of its water rules and regulations, and to this end he/she shall report to the Town Mayor all violations thereof which come to his/her knowledge. (Ord. 61, 5-9-2001)

Sec. 4.03.033. Restriction of water use--Town Mayor to determine.

A. The Town reserves the right in the case of shortage of water, or for any other cause, to make any order, rule or regulation forbidding or suspending the use of Town water for sprinkling, irrigation, or watering any lawn or garden.

B. The Town mayor is authorized and empowered, when in his/her opinion the amount

of water being pumped reaches such volume that, unless restricted, the public health, safety and general welfare might be endangered, to establish the times and hours when the Town water may be used for irrigating, sprinkling or watering lawns and gardens, and may set and fix times when water may not be used for such purposes by giving notice through the Town's official newspaper.

C. Restrictions set by the Town Mayor may be appealed to the Town Council. (Ord. 61, 5-9-2001)

Sec. 4.03.034. Restriction of water use--violation--misdemeanor.

Any person violating the restrictions as imposed by the Town or who wastes water by letting it run in avenues, streets, alleys or roadways shall be guilty of a misdemeanor. (Ord. 61, 5-9-2001)

Water Rates

Sec.4.04.001. Metered rates.

The rates for water consumed for domestic and commercial services shall be set by Town Council resolution after notice and hearing required by State law. The Town Clerk will make a copy of the current rates available to all customers. (Ord. 61, 5-9-2001)

Sec. 4.04.002. Monthly minimum bill--meter size.

The rates for water consumed for domestic and commercial services shall be set by Town Council resolution after notice and hearing required by State law. The Town Clerk will make a copy of the current rates available to all customers. (Ord. 61, 5-9-2001)

Sec. 4.04.003. Miscellaneous water rates.

A. Standpipe Water Sales. The rate for standpipe water sales shall be twenty-five cents (\$0.25) per one hundred fifty gallons or major portion thereof with a minimum charge of one dollar (\$1.00) per tank load.

B. Park Irrigation. The rate for park irrigation shall be the metered rate.

C. All schools. The rate for schools shall be the metered rate. (Ord. 61, 5-9-2001)

Water Line Extensions

Sec. 4.05.001. Extension approval.

Before any person may extend a Town water main or water trunk line, an application must be submitted to the Town. The Town Council shall, after recommendation of the Community Service Officer, constitute final action upon the application. Extensions are not in any way the financial responsibility of the Town. (Ord. 61, 5-9-2001)

Sec. 4.05.002. Extension line size.

Water trunk line and water mains in the Town's water system shall be a minimum of six (6") inches in diameter and are defined as follows:

A. Water Trunk Lines. These trunk lines are the major lines in the water distribution

system. Taps to these water trunk lines shall be held to an absolute minimum. Trunk lines are normally eight (8") inches in diameter.

B. Water Mains. Lines that serve local neighborhoods. Water service connections are expected to be made on these water mains. (Ord. 61, 5-9-2001)

Sec. 4.05.003. Extension plan.

The application for connection shall set forth the location of the proposed line and connection, the capacity of the line and type of pipe. Any engineering studies may be enumerated and the Town may request a copy of such study. The Town may also request the method and plan of construction to be set forth in more detail by way of maps and diagram. Montana Department of Environmental Quality approved maps may be required. The connection fee in Section 4.02.006 must accompany the application. (Ord. 61, 5-9-2001)

Sec. 4.05.004. Extension requirements.

Any extensions shall be of such size as the Town may specify, at the sole cost of developer, to take into account the proper growth and development of the water distribution system. Any extensions must also be made in accordance with the MDEQ Specifications (including the Contract).

The main water line will be extended to the far side of the property as designated by the Town and a fire hydrant will be installed in the immediate vicinity. (Ord. 61, 5-9-2001)

Sec. 4.05.005. Warranty.

All extensions must have a one (1) year warranty from defects in material or workmanship from the developer secured by bond or letter of credit or from the contractor secured by bond or letter of credit. (Ord. 61, 5-9-2001)

Sec. 4.05.006. Acceptance.

Extensions are not accepted by the Town as part of the Town system until accepted by motion of the Town or resolution. (Ord. 61, 5-9-2001)

Sec. 4.05.007. Reimbursement procedure.

Reimbursement of partial construction costs may be possible for a period of ten (10) years from construction completion. Such reimbursement is possible from future service connections to said line or from service connections to additional line extensions within the reimbursement area. To be entitled to this reimbursement for connections by other applicants for connection to the water main installed, the applicant must submit an itemized and substantiated summary of the total cost of the water main installation within sixty (60) days of completion of construction. Documentation must include copies of paid bills for project. The applicant may also include the recommended calculation for reimbursement. The Community Service Officer will make a recommendation to the Town Council concerning the reimbursement and the Town Council's decision will be final. (Ord. 61, 5-9-2001)

Sec. 4.05.008. Reimbursement calculations.

Reimbursement under this section shall be determined by the Town using the following criteria:

A. The total potential users of the constructed water main extension shall be estimated on the basis of the most probable development of lots adjacent to this water main extension, the capacity of the installation, and the capacity of the Town water mains.

B. The standard method, not to exclude other methods or factors, or estimating the number of total potential users shall be that one potential user will be allowed per seventy-five (75) feet of lot frontage. The total potential use by the applicant shall be similarly determined and include in the total of potential users.

C. The cost for water service tap from the water main extension shall be found by dividing the total cost of the water main installation by the total potential users of the water main extension.

D. No persons shall be reimbursed a greater amount than the total cost of the water main installation less that person's total potential use multiplied by the cost per water service tap.

E. Commercial property, industrial property, multifamily property and other property of a similar nature will have reimbursement calculated by a method considering customary usage and deemed appropriate by the Town.

F. For purposes of administering this section, each party, including the party extending the water main, shall be charged a fee of fifteen dollars (\$15.00) for each service tap.

G. Adjacent property for purposes of calculation shall only be property lying immediately adjacent to the main except for extensions into a planned subdivision wherein the line is owned by the owner within the subdivision.

H. The Town may hire an engineer to make the reimbursement calculation described in this section in which event the engineering fees shall be added to the reimbursement fee to be paid by the party paying the reimbursement. (Ord. 61, 5-9-2001)

User Charges and Debt Retirement

Sec. 4.06.001. Purpose.

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete water system and for repayment of debt for the water system. The costs shall be as set forth in this Ordinance. (Ord. 61, 5-9-2001)

Sec. 4.06.002. Determining the total annual cost of operation, maintenance, and amortizing of revenue bonds.

The Town of Clyde Park shall determine the total annual cost of operation and maintenance of the water system which are necessary to maintain to the capacity and performance during the service life of the treatment works, for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to: labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The Town Council shall annually determine the debt service and coverage requirements for all water bonds for the Town and determine compliance by the Town with the bond resolutions. The amount of water debt retirement shall be consistent with this ordinance including coverage required for service of water system debt, and this ordinance may be amended at any time to meet this requirement. (Ord. 61, 5-9-2001)

Supersedes Prior Ordinances

Sec. 4.07.001. Supersedes prior ordinances.

This Chapter supersedes all prior water rules, regulations, and ordinances. (Ord. 61, 5-9-2001)