

SUN PRAIRIE VILLAGE  
COUNTY WATER AND SEWER DISTRICT  
**WATER USE ORDINANCE**

An ordinance establishing the procedures by which the Sun Prairie Village County Water and Sewer District's Board of Directors shall set the rules for acquiring water service and the rules for such use by customers of the District.

Be it ordained and enacted by the Board of Directors of the Sun Prairie Village County Water and Sewer District, State of Montana, as follow:

**Article I.**

Sec. 1 **Authority:** The ordinances are adopted under the authority granted by Montana Code Annotated, Title 7, Chapter 13, Parts 22 and 23.

Sec. 2 **Title:** The ordinances shall be known under the general title of, referred to or cited as the **Sun Prairie Village County Water and Sewer District Water Use Ordinance.**

Sec. 3 **Purpose and Intent:** The purpose of these ordinances is to promote the public health, safety, and general welfare of the citizens of Sun Prairie Village. It is further intended to provide for administration and enforcement of the ordinance and to provide penalties for its violations.

Sec. 4 **Abrogation and Greater Restrictions:** It is not intended by these ordinances to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law, However, wherever this ordinance imposes greater restriction, the provisions of this ordinance shall govern.

Sec. 5 **Interpretation:** In their interpretation and application, the provisions of these ordinances shall be held to be minimum requirements and shall be liberally construed in favor of the local government and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Montana.

Sec. 6 **Severability of Ordinance Provisions:** If any section, provision, or portion of these ordinances is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Sec. 7 **Repeal:** All other ordinances or parts of ordinances of the local government inconsistent or conflicting with the ordinance, to the extent of the inconsistency only, are hereby repealed.

## Article II.

Definitions: For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

- A. *Administrator* shall mean the General Manager of the Sun Prairie Village County Water and Sewer District or any authorized deputy, agent or representative.
- B. *Opportunity Charge/Connection Fee* shall mean the fee charged to all properties connected to the Sun Prairie Village County Water and Sewer District systems prior to January 1, 1990 but not having water turned on; or to a property being connected to the Sun Prairie Village County Water and Sewer District systems after January 1, 1990. The fee is charged to offset the bonded debt paid by the active service connections at the time of the sale of District bonds to equalize the cost between those lots and those paying bond service from the date of sale of said bond(s).
- C. *District* shall mean the Sun Prairie Village County Water and Sewer District as incorporated by the Secretary of State of the State of Montana, August 29, 1989.
- D. *Commercial User* shall mean, a user engaged in the purchase of sale goods or in a transaction or business or who otherwise renders a service. Commercial user shall include any business, commercial, industrial, public and/or institutional user.
- E. *Costs of Labor and Materials* shall mean actual costs of meters, fittings, pipe, adapters and replacement of paving as well as necessary labor and equipment costs to accomplish the installation.
- F. *Developed Property* shall mean all property that has a habitable residential, commercial industrial or institutional structure existing on such property or property that has water and sewer service established on the property on or before the effective date of this ordinance.
- G. *Easement* shall mean an acquired legal right, less than fee simple, for a specific use of land owned by others.
- H. *Tap Fee* shall include labor, equipment, and materials cost incurred by the District installing the necessary lines and meter for the owner.
- I. *Local Government* shall mean the Sun Prairie Village County Water and Sewer District, Cascade County, State of Montana, acting through its Administrator and Board of Directors, or other duly authorized representatives.
- J. *New Developments or New Subdivisions* shall refer to any property developed or subdivided after the effective date of this ordinance. The term "developed" as it relates to new developments is defined as any new construction relating but not limited to residential, commercial, industrial, public and/or institutional activity.

- K. *Operations and Maintenance Costs* shall include all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.
- L. *Owner* shall mean the property owner of record of the property that is connected to the District's water system.
- M. *Person* shall mean individual, firm, company, association, society, corporation or group.
- N. *Private Sewer* shall mean a sewer, which is not owned by the Sun Prairie Village County Water and Sewer District.
- O. *Residential User* for building purposes shall refer to any residential dwelling with or without a meter. It shall not refer to multi-family residential dwelling with a common service line or common meter.
- P. *User Charge System* shall mean the system of charges levied on users for the cost of operation and maintenance, debt service, capital outlay, etc.
- Q. *Authority* means the State or local government entity enacting and enforcing this ordinance.
- R. *Curb* shall mean the vertical member along the edge of a street to form a part of the gutter.
- S. *Curb Box* is a cast iron or plastic tube-like device to provide easy access to curb valves which are located underground.
- T. *Curb Valve* is a valve installed in the water service line and accessible for operation from the surface of the ground for routinely interrupting flow through the service line.
- U. *Dedicated Right-of-Way* means the legal right to the land used by a public utility for water or sewer lines.
- V. *Fire Lines* shall mean lines which provide water to private fire alarm systems.
- W. *General Plumbing Permit* is a permit issued when any water service piping is repaired, altered or installed.
- X. *Mobile Home* shall mean a trailer that is used as a permanent dwelling, is connected to utilities and designed without a permanent foundation.
- Y. *Montana Public Works Standard Specifications* is a manual establishing maximum uniformity of engineering and construction practices among Montana public works projects.

- Z. *MUTCD* means Manual of Uniform Traffic Control Devices.
- AA. *O & M* means operations and maintenance.
- AB. *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.
- AC. *Service Area* means the area served by the District.
- AD. *Service Connection* is a point at which the building water or sewer connects to the public water or sewer.
- AE. *Sprinkler Line* shall mean lines providing water to underground lawn sprinkling systems.
- AF. *Utility* means a service (water, sewer, storm drain) or the department of the District that provides such service.
- AG. *Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.
- AH. *Water Service* shall mean any utility water that is provided to a location.
- AI. *Water Service Line* is a pipe line that carries the water to the required location.
- AJ. *Application for Water and Sewer Service* shall mean the contract made between the District and the owner(s) of property requesting such service.
- AK. *Re-connection Fee* means the fee levied to restore service after a service has been shut-off for not payment of rates and charges.

### **ARTICLE III. Application for Service**

Sec. 1 Owner(s) of property who wish water and/or sewer service will make application for service, in person at the office of the District.

Sec. 2 The District will not contract with renters for water or sewer utility services. Application for service must be made by the owner(s) of the rental property.

Sec. 3 The District reserves the right to reject any application for service that could ultimately be harmful or non-beneficial to the District.

Sec. 4 The District will not provide service outside the corporate limits of the district to new applicants unless specifically approved by the Board of Directors of the District.

Sec. 5 The District will not provide service, upon a customer installing service to more than one (1) building extending the interior plumbing from one building to another. An exception may be granted for installation of water and sewer service to a detached garage. A permit for such an installation must be secured from the District before construction of such service.

**ARTICLE IV.  
District's Responsibility and Liability**

Sec. 1 The District reserves the right to refuse service unless the owner's service lines or piping are installed in such manner as to prevent cross-connections or backflow.

Sec. 2 The District shall be responsible for service lines from the corporation on the water main to the curb-valve located on the property or in the street right of way.

Sec. 3 The district shall not be liable for damage of any kind whatsoever resulting from water or use of water on the owner's premises.

Sec. 4 The District will not perform installation, repair, or preventive maintenance on the owner's service line or within the premises

**ARTICLE V.  
Owner's Responsibility**

Sec. 1 Piping on the owner's premises must be so arranged that the connection are is conveniently located with respect to the District's water mains.

Sec. 2 The owner shall furnish and maintain a private cutoff valve on the owner's side of the curb valve. There shall also be installed on all new construction and any replacement of the private cutoff valve a "back-flow" device. Said "back flow" device shall be an "in-line dual check valve".

Sec. 3 The owner shall be responsible for the owner's installation including the service pipe from the curb stop or valve to and inside the property and/or premises being served, meter box, back flow prevention device, pressure reducing valve, inside plumbing, and all appliances, apparatus and equipment on the owner's side of the point of delivery, and for the water after it passes said point of delivery.

Sec. 4 The owner shall provide reasonable protection for the District's property placed on the owners premises and shall permit access to it only by authorized representative of the District.

Sec. 5 In the event of any loss or damage (including water) to the property of the District or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the owner, his agents, employees, or occupants of the premises, the cost of the necessary repairs or replacements shall be paid by the owner to the District and any liability otherwise resulting shall be assumed by the owner.

Sec. 6 The amount of such loss or damage or the cost of repairs shall be added to the owner's bill, and if not paid the District may disconnect service.

Sec. 7 Owners shall maintain all water services in good order. Owner will make necessary repairs on broken pipes, leaking faucets, leaking toilets, etc. within 48 hours of discovery of the failure or notification by District personnel.

**ARTICLE VI.  
Access to Premises**

Sec. 1 Duly authorized agents of the District shall have access at all reasonable hours to the premises of the owner for the purpose of installing, repair or removing District property, inspecting piping or for any other purpose in connection with the District's service and facilities.

**ARTICLE VII.  
Billing and Collection**

Billing and collection of rates and charges will be done as prescribed in Ordinance 91-1, Water Service Charges and Montana Code Annotated, Title 7, Chapter 13, Section 2301

**ARTICLE VIII.  
Change of Ownership**

Sec. 1 Not less than (3) days notice must be given in person or in writing, at the District's office, to discontinue service for a change in ownership.

Sec. 2 The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

Sec. 3 Upon failure to notify in writing of a change in ownership, the current resident will be held responsible for all accrued water charges.

**ARTICLE IX.  
Permitted and Prohibited Activities**

Sec. 1 An owner or resident shall not supply or sell water from the District's system to other persons or carry away from any hydrant, public water fountain, or other such public out-let without specific authorization from the District.

Sec. 2 The owner or resident shall not manipulate, tamper with or harm in any manner whatsoever any water line, main or appurtenance or any other part of the water system, including but not limited to, any testing or inspection device.

Sec. 3 The owner or resident shall not tamper with the water meter where installed.

Sec. 4 The owner or resident shall not attach or cause to be attached any connection to

the water line between the owner's premises and any adjoining premises; and, attach or cause to be attached any connection to the water line before the water meter where installed.

Sec. 5 The owner or resident shall comply with rules of the District as set forth in this ordinance and other ordinances regarding water use, payment of bills, water restrictions, and grievances.

## **ARTICLE X.**

### **Termination or Interruption of Service By the District**

Sec. 1 **The District may terminate service** for any of the following reasons:

- a. Refusal by the owner to pay an account in full,
- b. Prevention of fraud or abuse by an owner; and,
- c. Failure of the owner to comply with any of the provisions of this or any related ordinance of the District.

Sec. 2 **The District reserves the right to discontinue or interrupt** service temporarily for any of the following reasons:

- a. Emergency repairs;
- b. Insufficient supply or treatment capacity;
- c. Strike, riot, flood, accident, act of God, or any other unavoidable cause; and,
- d. The direction of public authority.

Sec. 3 The District shall make a good faith effort to notify affected owners before service is discontinued or interrupted as provided in Section 2. However, the owner, by making application for service, agrees to hold the District harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above-mentioned causes.

## **ARTICLE XI.**

### **Abridgement of Modification of Rules**

Sec. 1 No promise, agreement or representation of any employee of the District shall be binding upon the District except as it shall have been agreed upon in writing, signed, and accepted by the District.

Sec. 2 No modification of rates or any of the rules and regulations shall be made by any agent of the District.

Sec. 3 Acceptance of any modification by the District may only be accomplished by a majority vote of the Board of Directors, sitting in open session.

**ARTICLE XII.**  
**Water Extension Policy**

**Sec. 1 General :** It is not the intent of this ordinance to limit the District from making any water extensions it deems necessary for the best interest of Sun Prairie Village County Water and Sewer District. Approval of any extension requiring financial participation by the District shall always be based on the District's determination that funds are available, and the feasibility of the project.

(a.) Any individual property owner must connect to the District's water system within 100 days after a new water line is installed within 50 feet of their lot line except where an existing line is being updated or upgraded. Any individual who has a private well must close that well in accordance with county health regulations immediately upon connecting to the District's water main.

(b.) Any owner who develops a subdivision which is within 500 linear feet of the District's water main may petition to provide District water to all lots in the subdivision upon and approval of the District's Board of Directors.

**Sec. 2 Exception:** A new private well may be allowed by the District only with prior approval of the District's Board of Directors.

**Sec. 3 Penalties Defined:** (a) The Sun Prairie Village County Water and Sewer District may levy a twenty-five dollar (\$25.00) fine for violations of the water use ordinance. For purposes of this ordinance, each violation and each day of occurrence shall constitute a separate and distinct offense. If this penalty is not paid within thirty (30) days, the District may institute a civil action to recover the amount of money owed.

(b) The District shall also have the authority to institute proceedings in a court of competent jurisdiction to seek an appropriate equitable remedy. This shall include the authority to seek injunctive relief and an order for abatement. If the defendant fails or refuses to comply with an injunction or order of abatement within the time allowed by the court, he may be cited for contempt, and the District may execute the order for abatement.

© The District shall have a tax lien right , pursuant to 7-13-2310 Montana Code Annotated for purposes of collecting unpaid rates and charges.

**Sec. 4 Appeal to District Board of Directors:** The Sun Prairie Village County Water and Sewer District Board of Directors shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice, and obtain necessary information to make sound decisions. Such appeal shall be governed by Ordinance 2-93 Enforcement and Grievance Procedures, herein made a part of this ordinance by reference.


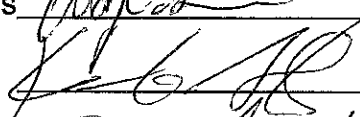

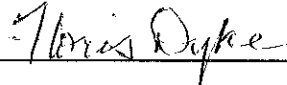
**Sec. 5 Notice and Recording Decision:** The decision of the District's Board of Directors shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.



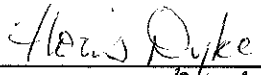
**ARTICLE XIII.**  
**Ordinance in Force**

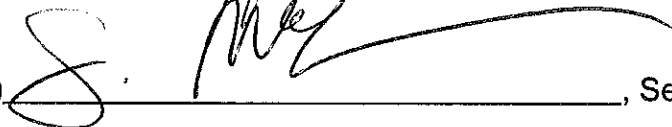
Sec. 1 This ordinance shall be in full force and affect from and after its passage, approval recording, and publication as provided by law.

Sec. 2 Passed and adopted by the Board of Directors of the Sun Prairie Village County Water and Sewer District, State of Montana on the 14 day of December, 2006, by the following vote:

Ayes	<u></u>	Nays	_____
	<u></u>		_____
	<u></u>		_____
	<u></u>		_____
	_____		_____

Approved this 14 Day of December, 2006

(Signed) , President

Attest:  
(Signed) , Secretary

(Seal)