

ORDINANCE NO. 1322

AN ORDINANCE REVISING SECTIONS 23-28, 23-29, AND 23-33 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS REVISE PROVISIONS REGARDING CURB STOP MAINTENANCE, METER REPLACEMENT FEES, AND SERVICE LINE MATERIALS.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Section 23-28 shall be amended to read as follows:

Sec. 23-28. - General service regulations.

The following rules and regulations of the city water department, authorized by the city council and approved by the state public service commission, are a part of the contract with every person who takes water, and every person agrees, by applying for water, to be bound thereby.

- (1) *Security deposits.* The city contracts with the owner or tenant of property, or their respective authorized agent. The city may require a deposit in conformance to the rules and regulations of the state public service commission. Application for the use of water must be made at the office of the city clerk, on a printed form furnished for that purpose. Service will be furnished to any customer who fully and truly sets forth all of the purposes for which water may be required and who agrees to comply with all of the rules and regulations governing the service, provided the purposes set forth comply with all of the municipal rules, and that the system of mains and pipes extends to the point where service is desired.
- (2) *Application for service.* An application for the introduction of water service to any premises shall be signed by the owner of the premises and shall be made on a regular form furnished by the city for that purpose. When an application has been granted, the city shall tap the main. All expense of tapping and laying the service pipes from the main to the consumer's premises shall be borne by the consumer. **The city will maintain the service line from the main to the curb stopcock, to include the curb stopcock. All expense of maintaining the service pipes from the curb stopcock to the consumer's premises shall be borne by the consumer.** The service pipe shall be laid below street grade and on the consumer's premises, at a standard depth of not less than six feet to prevent freezing. A curb stopcock of an approved pattern with a cast iron curb box shall be installed by the consumer at a point designated by the city engineer's office.

- (3) *Stop and waste cocks.* At some convenient point inside of the building and so located that it cannot freeze, a stop and waste cock of approved pattern shall be installed, so that the water can be readily shut off from the building and the water pipes drained in order to prevent freezing.
- (4) *Wasting water.* Waste of water is prohibited, and consumers shall maintain their fixtures and service pipes in good repair at their own expense, and all waterways shall be closed when not in use or during a fire alarm. Leaky pipes and fixtures shall be repaired at once without waiting for notice from the superintendent, and, if pipes or fixtures are not repaired after reasonable notice is given, the water shall be shut off by the city.
- (5) *Service pipes.* Service pipes shall be so arranged that the supply of each separate building, house or premises may be controlled by a separate curb stopcock, installed within or near the line of the street curb in conformance to established rules, or as directed by the superintendent of the department. This curb cock and box shall be maintained in good repair and kept easily accessible.
- (6) *Temporary discontinuance of service.* Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the superintendent, when notified to do so in writing, shall shut off the water at the curb, and allowance will be made on the bill for such time as the water is not in use.

(7) *Notice when service discontinued.*

a. Notice shall be given, whenever practicable, prior to shutting off water, but consumers are warned that due to unavoidable accidents or emergencies their water supply may be shut off at any time.

b. All persons having boilers on their premises depending on connected pressure with the water mains are cautioned against collapse of their boilers. As soon as the water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve shall always be placed between the boiler and the main, or between the boiler and the meter, in order to prevent the draining of the boiler or damage to the meter. The premises should not be left with any faucets open and water turned off.

- (8) *Access to premises.* The city's agents or other authorized persons shall have access at reasonable hours to any premises where water is used, for the purpose of making inspection or investigation of the water system.

Violation of rules; delinquent accounts. For violation of any of the rules set out in this section or for nonpayment of water rent, for either domestic, sprinkling or other purposes, the city has the right to turn off the water, in accordance with the rules and regulations of the state public service commission.

Section 2. Section 23-29 shall be amended to read as follows:

Sec. 23-29. - Meters and metered service.

- (a) *Ownership.* Meters are owned by the city and shall be furnished to consumers and set in place without charge, provided proper receptacles are provided for them and the service pipes are suitably arranged.
- (b) *Consumers subject to minimum charge.* A metered consumer shall be subject to the minimum charge for the class of service such consumer receives.
- (c) *Protection from frost; meter box.* Every metered consumer shall provide such meter with the necessary protection from frost or other damage. The meter shall be located so as to facilitate easy access for repairs and reading purposes. Where necessary for protection of a meter, a standard meter box shall be installed by the city. The cost of such box shall be paid by the consumer. After installation of a meter box, the city shall connect the meter and maintain the same in good condition. **The city will repair or replace a frozen or damaged meter. The cost of repair or replacement of the meter shall be at the following rates and shall be borne by the consumer:**
- 1. Repair of brass meters.**
 - a. 5/8 meter \$60.00**
 - b. 3/4 meter \$80.00**
 - c. 1" meter ... \$100.00**
 - d. 1 1/2" meter... \$450.00**
 - e. 2" meter.....\$476.00**
 - 2. Replacement of plastic meters.**
 - a. 3/4 meter ... \$142.00**
 - b. 1" meter\$220.00**
 - c. 1 1/2" meter...\$550.00**
 - d. 2" meter\$850.00**
- (d) *Payment of expense of meter removal.* When a meter is installed at the request of a consumer, its installation shall be permanent unless the consumer elects to have the meter removed and pays all expenses incident to its installation and removal, or discontinues service entirely. Service on a meter for a shorter period than six months shall be considered temporary, and the consumer shall be required to reimburse the city for the actual cost of the installation and removal of the meter.
- (e) *Replacements.* The city 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 new meter be removed and tested as to accuracy in the presence of such consumer. 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, whose bills shall be adjusted back for a period of 60 days. In case the meter is found to be recording incorrectly and against the consumer, the amount deposited by the consumer shall be refunded and a reasonable adjustment made for overcharges, for a period not exceeding 60 days previous to the demand of the consumer for a test to be made.

- (f) *Incorrect recording.* In case a meter is found stopped for any reason or it is found that it is not correctly recording the consumption of water, the city may average the amount due for the current month, using the last two months when it registered correctly as a basis of such average.
- (g) *Tampering.* Water consumers shall not be permitted to 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 city may render a bill for the current month, based on an average of the last two months, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until the account is paid in full.
- (h) *Service to multiple premises.* In no case shall the city furnish water from one meter to two or more houses, whether the same are owned by one person or not.

Section 3. Section 23-33 shall be amended to read as follows:

Sec. 23-33. - Installation and maintenance of service pipes.

- (a) *Permits for installation.* Permits for the installation and repair of service pipes shall be issued only to regularly licensed master plumbers, or such work shall be done under the supervision of the city engineer's office.
- (b) *Materials for street service.* The material for service on all streets, avenues and alleys in the city shall be ~~nonferrous metals~~ **copper from the main to the curb stopcock. Copper or nonmetal material, no smaller than 1", may be used from the curb stopcock to the consumer's premises. A tracer wire suitable for locate purposes shall be installed in the same trench as, and on top of all nonmetal service pipe.**
- (c) *Repairs.* All work on services installed or repaired shall be under the supervision of and subject to the inspection and approval of the city engineer's office, and shall be guaranteed by the person doing the plumbing installation for a period of one year. This also applies to the maintenance of ditches.

Section 4. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 13th day of February, 2018.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 27th day of February, 2018.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk