

**RULES AND REGULATIONS**  
**FOR THE**  
**CITY OF WHITEFISH**  
**WATER, SEWER AND GARBAGE SERVICES**



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## SECTION 1: GENERAL APPLICABILITY

The Rules and Regulations of the City of Whitefish as amended and supplemented from time to time, will govern all Water, Sewer and/or Garbage Services rendered or to be rendered by the Utility Department. All Rules and Regulations describe below will be binding upon every customer and will constitute a part of the terms and conditions of every contract for water, sewer and garbage service whether expressly incorporated therein and regardless of whether a signed application for water, sewer and garbage is on file. It is understood that such rules are necessary to provide the maximum benefit and safety to the public health and well-being of customers.

The following policies, amended and updated from time to time, are by reference made part of these Rules and Regulations.

City of Whitefish Engineering Standards  
Permanent Encroachment and Temporary Encroachment Permits  
Water and Sewer Permits  
Excavation Permits

Gender Statement:

For simplification purposes, the masculine gender pronoun used throughout these General Rules and Regulations represents all genders.

## SECTION 2: AUTHORIZATION AND PURPOSE OF RULES AND REGULATIONS

1. These rules and regulations are intended to define good practice, which can normally be expected.
2. They are intended to ensure adequate service and to prevent unfair charges to the customer, and to protect the Whitefish Utility Department from unreasonable demands.
3. The Whitefish Utility Department is governed by the policies established by the Whitefish City Council and administered by the City Manager or designee and is under the direct supervision of the Utility Services Supervisor.
4. The adoption of these rules and regulations will in no way preclude the Whitefish City Council from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard upon complaint, upon its own motion, or upon the application of the water, sewer and garbage services. All customers are bound by these rules and regulations, as amended from time to time.
5. These rules and regulations will not relieve in any way the Whitefish Utility Department from any of its duties under the laws of the State of Montana.
6. The authority requiring the establishment of the rules and regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

### SECTION 3: DEFINITIONS

Unless a different intent clearly appears from the context, the following words or phrases will mean:

1. "City Council" means the duly elected governing body of the City of Whitefish, to include the Mayor.
2. "City Manager" means the appointed City Manager of the City of Whitefish or any person authorized by him to perform acts on his behalf.
3. "City Engineering Standards" means those standards adopted by the City Council which pertain to the design, materials, and construction practices for water and sewer utilities.
4. "City Sewer" means the system operated by the City of Whitefish for the collection and treatment of sewage.
5. "City Water" means the system operated by the City of Whitefish for the treatment and distribution of water.
6. "Commercial Service" means any water, sewer and/or garbage usage other than solely for residential purpose, or for residential structures of greater density than a duplex. Where a single structure has combined business and residential usage the water and sewer service will be considered "Commercial Service." Schools, hospitals, clinics, nursing homes, churches, apartments, condominiums, and rooming houses having two or more rooms on a rental basis are considered "Commercial Services."
7. "Curb Box" means a vertical cast-iron sleeve, housing the curb stop (shut-off valve) for property's water and/or sewer service line.
8. "Curb Stop" or "Service Valve" means a fitting inserted in the service pipe near the property line for turning on or off water and/or sewer services to the premises supplied or to be supplied.
9. "Customer" means the owner of the recorded title of ownership of real estate property that is receiving any garbage, water and/or sewer service.
10. "Developer" means any individual, firm, corporation, or other entity who causes improvements to be made upon the land with said improvement requiring water and/or sewer service.
11. "Distribution Main," "Collection Main," or "Main" means a water or sewer pipe owned, operated, and maintained by the Public Works Department, which is used for the distribution of water or collection of sewage and to which service connections are made.

12. "Excavation Permit" means a permit required for all construction activities located within public right-of-way. The permit is issued by the Public Works Department to a licensed contractor.
13. "Meter" means a mechanical device used to measure and record the quantity of water and/or sewer supplied to the customer. The meter is the official recorder of the amount of water and/or sewer consumed by the customer.
14. "Meter Pit" or "Meter Vault" means the subsurface structure that houses a water meter, protecting the meter from damage and allowing the City easy access to the meter for maintenance, investigation, or reading. All new installation will be exterior meter pits and/or vaults approved by the Utility Department.
15. "Month" means a period between any two regular billing dates by the Utility Department for service rendered to a customer at his premises.
16. "Permittee" means any individual, firm, corporation, or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
17. "Plumber" means a master plumber licensed by the State of Montana and authorized to install and assume responsibility for contractual agreements pertaining to plumbing, and to secure any permits required for plumbing installations.
18. "Private Fire Protection Line" means a privately-owned water service line extending from the distribution main to and through a structure for which the sole purpose of use is the extinguishment of fire. A private fire protection system is the property of the customer; the City does not maintain any portion or component of the system.
19. "Private Main" means any water or sewer pipe not owned, operated and maintained by the City of Whitefish.
20. "Public Service Commission" means the Montana Public Service Commission.
21. "Public Works Director/City Engineer" means the duly appointed Public Works Director/City Engineer of the City of Whitefish or any person authorized by him or the City Manager to perform acts on his behalf.
22. "Residential Service" means water, sewer and/or garbage usage solely for residential purposes.
23. "Remote Radio Reading Device" means a device that works in conjunction with the water meter that assists the Utility Department in taking readings of water and/or sewer usage.
24. "Service Connection" or "Service Tap" means the tap at the distribution main or collection main which connects the customer's service pipe to the main.



25. "Service Pipe" or "Service Line" means the piping and appurtenances from the service connection at the main to the customer's premises.
26. "Theft of Service" means an act of obtaining or receiving water or sewer service from a fire hydrant, or other water and/or sewer source without permission from the City of Whitefish, and with intent to avoid payment.
27. "Utility Department" means the City of Whitefish department responsible for water, sewer and/or garbage billing.
28. "Utility Services Supervisor" means the duly appointed Supervisor who oversees all aspects of the Utility Department or any person authorized by him to perform acts on his behalf.

#### SECTION 4: RECORDS AND REPORTS

1. Preservation of Records. All records required by these rules and regulations, the State of Montana Water Quality Bureau, the Public Service Commission, the Environmental Protection Agency (EPA), and the Safe Drinking Water Act will be preserved in accordance with the "Rules to Govern the Preservation of Records of Public Utilities and Licensees", as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated April 1972, or appropriate State and Federal agency requirements. The records will be kept at the offices of the Utility Department, Public Works Department and/or City Clerk's office and will be open at reasonable hours for examination by the Public Service Commission or its representative or other State and Federal agency, as applicable.
2. Filing of Rules, Regulations and Rate Schedules. No rules, regulations, or schedules of rates, or modifications of the rules, regulations or schedules of rates, will be effective until adopted by the City Council after due process of law.

#### SECTION 5: CUSTOMER INFORMATION

1. Rates. The Utility Department personnel will explain to the customer during application for service, or whenever the customer requests, the rates applicable to the type of service furnished to the customer. Upon request, the Utility Department will supply the customer a copy of the current rate schedule.
2. Rules and Regulations. A copy of the rules and regulations of the Utility Department and any contracts, applications, or agreements applicable to the Utility Department will be maintained in the City Clerk's office for review and inspection by the public.

#### SECTION 6: APPLICATION FOR WATER AND/OR SEWER SERVICE

1. Free Service. The Utility Department will not supply free water, sewer and/or garbage service to any customer, public or private.

2. Introduction of Service Within Whitefish City Limits. Customers seeking the introduction or continuation of City water, sewer and/or garbage service within City limits must make application for City services at the Utility Department office on forms provided therefore, setting forth in the application all purposes for which water and/or sewer service will be used on the premises.
3. Introduction of Water or Sewer Service Outside Whitefish City Limits. Customers who want to connect to City water and/or sewer service to properties which are not within the City limits, must consent to annexation as a condition to receiving City services and make application as provided for under Section 6.2 above. The property owner's consent to annexation and application for water and/or sewer service will be accompanied by a petition for annexation and a development agreement, as applicable, and an application for zoning map amendment. All applications for the introduction or continuation of City services from outside the corporate limits of the City will require City Council approval.
4. Applications. All applications for the introduction of water, sewer and/or garbage service or the continuation of water, sewer and/or garbage service must be signed by the customer or their agent, duly authorized in writing prior to the initiation of development and/or new construction. If the customer authorizes the utility bill to be sent to a property manager, the customer will notify the Utility Department in writing with any change of authority. If the Utility Department determines that an existing City customer has not signed an application, or if a prior application has been lost, or no application is on file, the Utility Department may require the current customer to sign an application. Refusal to sign a current application, after reasonable notice, will be sufficient cause for discontinuance of service.
5. Application for Temporary Service. Water and/or sewer service for building, construction or other temporary purposes must be specially applied for. The method of connection and charges to the customer must be mutually agreed upon by the City and the customer or customer's agent before obtaining any service. The usage charge may be based on an agreeable estimate of water to be used at a rate commensurate with the rate schedule. The City reserves the right to require metering of such temporary use if the condition warrants. In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and meter, if required. Temporary water and/or sewer service, if granted, may be terminated by the City after three days prior written notice of termination has been personally delivered or mailed by first class mail, postage prepaid to the customer or the customer's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service.
6. Application for Private Fire Protection Service. Customers requesting private fire protection systems will make special application with the Fire Department. The size and location of fire protection system connections will be determined by the Public Works Department and as required by the protection system. The pipeline used for the system will be separate, with no interconnections between the service pipe and any other piping or fixtures within or outside the structure. The customer

will pay all costs of installation, operation, and maintenance of the system and the entire system will be subject to inspection, testing, and approval by the Public Works Department and/or Fire Department before service is made effective.

The extent of the rights of the private fire service customer is to receive, but only at times of fire on his premises, such supply of water as will then be available. The City of Whitefish will not be considered in any way an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and the Utility will be free and exempt from any and all claims for damages on account of any injury to property or persons by reason of fire, water, failure to supply water or pressure, or any other cause whatsoever.

Hydrants or other fixtures connected to a private fire service system may be sealed by the Public Works Department and the seals may be broken only in case of fire or as specially permitted by the Public Works Department, and the customer will immediately notify the Public Works Department of the breaking of any seals.

Fire protection systems will have an approved backflow prevention device installed in accordance with the current Cross Connection Control Committee, Pacific Northwest Section AWWA *Cross Connection Control Manual Accepted Procedure and Practice*. Backflow prevention devices will be inspected and tested annually in accordance with Section 12.

Fire protection systems will not normally be metered. At the discretion of the Utility Services Supervisor a fire protection system may be metered to verify that the system is not being used for other water demands.

Whenever a fire service system is to be tested the customer will notify the Public Works Department and the Fire Marshal of the test, designating the day and hour when the test is to be made so that, if desired, the Fire Marshal and Public Works Department can have an inspector present during the test.

7. Change in Use. The customer agrees to obtain, in advance, the approval of the Utility Services Supervisor for any change, alteration or additions in the fixtures, openings and uses specified in the building or plumbing permit application.
8. Prior Responsibility. It is the responsibility of the applicant to contact the Public Works Department prior to making application to confirm there is a City owned main adjacent to the applicant's property. If no City owned main exists or there is not sufficient supply for the intended use, it is the applicant's responsibility to extend or install a main in accordance with Section 19 and Section 24.
9. Rights and Compliance. Upon approval of the application for service, the customer has the right to take and receive a supply of water, sewer and/or garbage service for the particular premises for the purposes specified in the application subject to compliance by the customer with these rules and regulations, as amended from time to time.

10. The Utility Department May Decline to Serve a Customer:

- a. Until the customer has complied with these rules and regulations, building permit requirements, and other City Ordinances and Resolutions.
- b. If, in the judgment of the Utility Services Supervisor, the customer's installation of piping, equipment or appurtenances is regarded as hazardous, wasteful, or of such character that satisfactory service cannot be given.
- c. The customer's system could cause damage or harmful effects City Water, City Sewer, or adjoining properties.
- d. The customer's system or a private water and/or sewer line serving the customer's property is leaking and the applicant or customer refuses to replace the line in accordance with the rules and regulations.
- e. For misrepresentation in the application and theft of service.

All refusals to serve will be made in writing to the customer by the Utility Department and/or the Public Works Department.

SECTION 7: COMPLAINTS

The Utility Department will make a full and prompt investigation of all complaints made by customers of the Utility Department and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Utility Department will notify the Finance Director for further investigation. If the customer remains unsatisfied, the customer will be notified of the privilege to appeal to the City Manager, City Council, or Consumer Service Representative of the Montana Consumer Counsel.

SECTION 8: PROVISIONS OF SERVICE

1. Limitations on Connections. No plumber or other person will be allowed to make connection with any conduit pipe or other fixture or to connect pipes when they have been disconnected, or to turn water on or off, on any premises served by the Utility Department, without permission from the Utility Department.
2. Cross Connections. No pipes or fixtures connected to the water supply of the City of Whitefish will be connected, directly or indirectly, to pipes or fixtures containing water from any other source.
3. Waste of Water. Waste of water is prohibited, customer's must keep their fixtures, private water mains, and service pipes in good working order and free of leaks at their own expense, and keep all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the Utility Department. When the Utility Department becomes aware of a leak in the private water main or service pipe of a customer, notice will be given allowing reasonable time for repairs

to be made. If the leak is in a private main, such notice will be to all customers served by the private main and such notice will identify all properties served by such private main, in order to facilitate a cooperative repair effort by such customers. If the repairs are not made within the allocated time and no time extension has been granted or applied for, the water may be shut off by the Utility Department without further notice.

4. Summer Watering and/or Separate Irrigation Meters. Customers with zero usage, inconsistent usage or nonconsecutive usage during the winter months of November through May will not receive an average for the summer months of June through October.

Customers will receive a reduced charge for water only for watering of lawns, gardens and landscaping and an averaged sewer charge during the five monthly billing periods from June through October, as follows:

- a. Single-family and Townhome units: Customers that do not have a separate irrigation meter will be allowed a monthly summer watering maximum of 12,000 gallons per month during the months of June through October for watering at a reduced rate, based on the average used during the seven monthly billing periods from November through May, up to a total of 60,000 gallons for the five summer watering months.
- b. Duplex, Multi-Family and other non-residential units: Customers that do not have a separate irrigation meter will not receive a summer watering maximum or a reduced rate for water and/or sewer.
- c. Customers that share one (1) water meter and do not have a separate irrigation meter will not receive a summer watering maximum or a reduced rate for water and/or sewer.
- d. Irrigation meters: The City will activate the billing services for irrigation meters June 1st and ending with the meter reading in October. Billing services for the irrigation systems will be deactivated between November and May. During the periods of deactivation, no base charge for the irrigation meters will be assessed to the customer. However, any water metered through an irrigation meter outside the summer watering season of June through October billing periods, will be billed at the normal water usage rates. A backflow prevention device is required in all instances to be installed in an irrigation system. When irrigation service is not turned on during June through October, base rates are still charged. Customers will notify the Utility Department of when they would like the separate irrigation meters to be turned on or turned off for the season.
- e. Commercial, Multi-Use and other non-residential customers who, at their own expense, install a separate irrigation meter for summer watering will be charged the base rate for the summer months of June through October, based on the size of meter installed. All water used, will be billed at the sprinkler rate. Any usage outside of the summer months will be billed for

that month. The Utility Department will furnish a sprinkler meter at cost to the customer.

5. Turn-on or Turn-off Service. Request for turn-on and turn-off services during regular business hours will be charged to the customer's account in accordance with the fee schedule. New construction accounts will not be charged for the initial turn-on for services, if the turn-on is made during regular working hours. For new construction or existing customers that request or require turn-on or turn-off services outside of regular working hours, a call-out fee instead of the turn-on and/or turn-off fee will apply.
6. Resale of Water. Water furnished by the City of Whitefish will not be resold or caused to be resold by any customer unless the customer is engaged in the business of distributing water as a public utility, as approved by the Public Service Commission.
7. Fire. In case of fire or an alarm of fire and while water is being used for the extinguishment of fires, the non-essential use of water, which may include for fountains or yard sprinkling, is prohibited. In the case of high wildland fire danger, yard sprinklers might be appropriate.
8. Access to Property. For the purpose of maintenance, operation, and inspection, the City of Whitefish personnel will at all reasonable times have access to meters, service connections, curb boxes, private mains, and any other property owned by the City which is on the customer's property. The Utility Department and the Public Works Department also reserve the right to inspect all plumbing connected to and with the supply of water for violation of use, or improper or illegal connections. Upon reasonable notice the customer will remove obstructions and contain pets so they do not impair ingress or egress or interfere with the work of the City of Whitefish personnel. If the customer refuses to allow access, remove obstructions or contain pets, it will be deemed to be sufficient cause for discontinuance of service.
9. Identification of Employees. Every employee of the City of Whitefish whose duties require the entering of the customer's premises will carry an identification card which identifies the employee as a representative of the City of Whitefish. The identification card will contain a photograph, City logo, and the department for which he is employed. The customer may deny access to the customer's premises while the customer calls the City to verify the authenticity of the identification and that the employee is working for the City of Whitefish and is on official business.
10. Storm Drainage and Other Wastes. No person will make connection of roof downspouts, exterior foundation drains, areaway drains, storm drains, sump pumps or other sources of surface runoff or groundwater to a building sewer, building drain, or any pipe which in turn is connected directly or indirectly to the sanitary sewer in accordance with Whitefish City Code Section 8-4-4(B).

No person will discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage to the sanitary sewer.

Customers that discharge surface runoff or groundwater to the sanitary sewer system will be charged a surcharge.

No person will discharge or cause to be discharged any toxic chemicals, petroleum products, hazardous wastes, or wastes other than domestic sewage, or approved industrial or commercial wastes to the sanitary sewer.

All the aforementioned discharges and wastes are illegal actions under Whitefish City Code Section 8-4-4 and are punishable by citations and fines as determined by the Municipal Court.

11. Above Normal Strength Sewage. The Utility Department will assess charges for above normal strength sewage discharged to the City sewer. Normal strength sewage will constitute 200 milligrams per liter (mg/l) biochemical oxygen demand (BOD), as determined by the 5-day BOD test, and 250 mg/l total suspended solids (TSS) performed by the Public Works Department.
12. Interior Plumbing and Fixtures. All plumbing connected, directly or indirectly, to the supply or service of the City's water and/or sewer system will conform to the installation requirements of the International Association of Plumbing and Mechanical officials *Uniform Plumbing Code* and these rules and regulations. Only Montana State licensed master plumbers or their representatives, with a current City Business License, will make any connections to or install any piping or fixtures connected directly or indirectly to the water supply or sewer system of the City of Whitefish as required by Section 37-69-301, MCA.

## SECTION 9: RATE ESTABLISHMENT

1. Rates and Rate Adjustments. All rates and fee adjustments will be adopted by the City Council through the hearing process as provided by law. Rate increases for comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limits as provided in Section 69-7-201, MCA.
2. Rates Charged Against Property. The water, sewer and/or garbage rates will be charged against the property on which it is furnished, regardless of occupancy, and discontinued if for any cause any sums due therefore become delinquent. Service may not be turned on again until all such delinquencies and fees have been paid in full or suitable arrangements for payments have been made by the customer. If unsuccessful, however, the City is entitled to collect the remaining delinquency from the customer, even by placement of a property tax assessment on the property's tax bill.

## SECTION 10: SERVICE LINES AND CONNECTIONS

1. New Tap Connection. The customer is responsible for the excavation from the point of intended use to the main and restoration of the excavated area to acceptable condition. The customer will supply the service clamp and corporation stop at the main. The customer's excavator will be required to obtain an excavation

permit from the Public Works Department before making any connections. The Public Works Department will tap the main for a fee in accordance with the fee schedule approved by City Council. On all other services the customer will bear the full expense for labor, equipment and materials involved in the tapping of the main. The Public Works Department will make all water taps without exception.

2. New Service Line Connection. The customer, at the customer's expense, will be responsible to install all piping and appurtenances, except the meter, from the main connection to the point of usage, and restore all surfaces to the conditions which existed before installation. The service line, curb stop and curb box will be in an accessible location in the public right-of-way or easement, as directed by the Utility Services Supervisor and the Public Works Department Inspector. There will be no branches made in the water service line between the City's main and the water meter. All piping and appurtenances will be installed, disinfected, and flushed in accordance with appropriate Montana Public Works standards.
3. Water and/or Sewer Permit to Install or Alter Service Line. Any and all new installation, repairs, replacement or alterations of service lines from the main and including the consumer's premises, will require a permit issued by the Utility Department. The permit will include the reason for the work and a description of the work to be performed. The permit will be issued to a Montana State licensed master plumber or his representative, for the property customer. The permit holder will be responsible for compliance with the City Engineering Standards, the *Uniform Plumbing Code*, these rules and regulations, and any other applicable rules and regulations.

Upon completion of all necessary work, the permittee will have the work inspected by a representative of the Public Works Department and/or Utility Department. The permittee will be required to submit to the inspector a suitable map - 8½ by 11-inch standard - showing the location of the meter pit, tap, clean-outs, curb box, and service line location and/or any changes of location of service line or appurtenances, or any other appropriate information. If the work requires excavation in a street, alley, public right-of-way, or public easement, an Excavation Permit will also be required.

4. Maintenance of Service Lines. The customer, at the customer's expense, will maintain all service lines beyond the City's curb stop, in good condition, operable, and free from leaks. Failure to do so may be cause for discontinuance of service. It is the customer's responsibility to repair any leaks in customer's portion of the service line immediately upon discovery or notification by the City. Leaks in buried iron piping or other material that does not comply with existing City Engineering Standards will require replacement from the curb stop to the building. The Public Works Department will maintain service lines from the City owned main to and including the City's curb stop.
5. Maintenance of Curb Boxes. It is the responsibility of the customer to maintain the curb box in good working condition and accessible at all times. If the customer requests a service disconnect and the service cannot be turned off by the Utility Department due to a damaged or inaccessible curb box, the service will not be



disconnected until the customer makes the necessary repairs. If the Utility Department needs to disconnect a service in accordance with Section 15 and the curb box is damaged or inaccessible, the City may make necessary repairs and charge the cost of all labor and materials to the customer.

6. Size and Location. The size and location of all service lines will be determined by the Utility Services Supervisor based on the *Uniform Plumbing Code, M22 - Sizing Water Service Lines and Meters*, American Water Works, and these rules and regulations.
7. Separate Service Lines. Single Family Residential homes will have a single service line, meter, meter pit and curb stop.

Duplexes under the same ownership are required to have one (1) meter, service line, meter pit/vault and one curb stop.

Townhomes will be required to have separate service lines for water and sewer, separate meters, meter pits/vaults and separate curb stops/box.

In large developments, such as Multi-Unit developments, large commercial or industrial establishments, condominiums and mixed-use developments, which are located on a single parcel of land under ownership by a single entity or under a Homeowners Association (HOA) will have a single meter, service line, meter pit/vault and curb stop/box.

Accessory apartments, accessory buildings or accessory uses, as defined by the zoning regulations, may not be required to have separate services if the following conditions are met:

- a. The property remains under single ownership; and
  - b. The property cannot be further subdivided into separate dwelling units.
8. Abandonment of Service. When a lot or parcel is developed to a permitted use, all duplicated, excess, and/or unused services and fire services, including stub-outs will be abandoned at the main at no cost to the City. Whenever a building served by water and/or fire suppression services ceases to exist, all services will be abandoned at the main. The services to an established fire suppression system designed to protect the structure will not be abandoned without notification to the insurance carrier and the Fire Marshal. The sanitary sewer will be abandoned within 5 feet of the property line as approved by the Public Works Department.

The monthly base rate billing for water or sewer service will be discontinued for a building if the following conditions are met.

- a. The respective utility service line is abandoned in a manner acceptable to the Utility Services Supervisor; or
- b. All plumbing fixtures, including water valves, are permanently removed from the building in a manner approved by the Public Works Department. Such

approval will be issued before the work is performed and the completed work will be inspected and approved by City personnel. The inspection fee will be paid, and the City will approve the work before monthly billing is discontinued. The customer will continue to be responsible for maintenance of the water and/or sewer service lines that remain connected to the City utility.

Evidence of subsequent water use will be sufficient grounds to resume monthly billing.

9. Water and Sewer Service Line Replacement. Whenever additional fixtures and/or improvements are made to a property that require an increase in the service line size, and or meter size, the Utility Department will require replacement of the entire service line and the replacement of the meter that is inside of the building to an outside meter pit or meter vault. Any time that repairs for leaks are required to water, sewer and fire service lines, and the material does not conform to the City Engineering Standards, the entire service line must be replaced from the main to the premises and the meter that is inside of the building will be moved to an outside meter pit or meter vault. If any customer fails or refuses to comply, it will be enough cause for discontinuance of service.

#### SECTION 11: METERING

1. Providing Meters. All water furnished by the City, except as provided by these rules and regulations, will be metered. Upon payment of all fees in accordance with the rate schedule, these rules and regulations, and applicable City Ordinances and Resolutions, the Utility Department will provide, operate, and maintain all such meters, except as provided by these rules and regulations.
2. Size of Meters. The Utility Services Supervisor, or his designee, will be the sole judge of the size of any meter installed. Judgment will be based on comparative usage of the facility to be served to other similar type facilities served, or by the flow demand of the facility to be serviced in accordance with American Water Works Association *Manual M22, Sizing Water Service Lines and Meters*.
3. Replacement of Meters. The Utility Department may replace, or remove for testing, any meter it deems necessary.
4. Location of Meters. All new meters will be installed outside of the structure being served, unless approved by the Utility Services Supervisor. Meters will be installed in a meter pit or meter vault approved by the Utility Department in front of the premises to be served, adjacent to the edge of a street right-of-way or utility easement accessible to the City.

Meter pits or vaults will not be installed in driveways, streets, parking lots, and sidewalks.

All meters which, as of the effective date of these Rules and Regulations, that are located inside of buildings or in meter settings which the City deems to be unsafe or inaccessible for City employees may be moved to a more suitable locations at the discretion of the Public Works Director/City Engineer, and at the expense of the property customer.

The Customer will provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be located where they are easily accessible for reading and repair purposes. The meter must be located as nearly as practical to the point of entry to the structure and will be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage will be paid by the customer.

When a meter is located inside a house or building the Utility Department may install a remote meter for meter reading on the exterior of the house or building. The remote meter will, to the degree possible, be located on the driveway side of the house, between four and five feet above grade and within two feet of the corner of the house. If a fence or other barrier connects at the corner of the house the Utility Department may, at its discretion, require the relocation of the remote meter to the front side of the house.

Any object which obstructs the reading of the remote meter as determined by the Utility Department will, at the discretion of the Utility Services Supervisor and after notice to the customer, result in relocation of the remote register to a more accessible location, or removal of the obstacle. Obstructions may include, but not be limited to, fences, shrubbery or other plant items, building or other natural or manmade materials. A remote meter situated at a height which allows it to periodically be covered by snow will be considered obstructed.

5. Meter Testing. The Utility Department will have apparatus and equipment for testing the accuracy of all meters 2-inch in size or less. For testing meters larger than 2-inches, the meters may be sent to a qualified shop or laboratory for testing.
6. Meter Accuracy. Whenever a meter is found to exceed a limit of two percent - fast or slow - it must either be replaced or adjusted to register as near one hundred percent as commercially practical. A manufacturer's certified test will be acceptable for the accuracy of all new meters.
7. Sealing. All meters will be sealed by the Utility Department Meter Technician. The breaking of seals by unauthorized persons or tampering with any portion of the meter or meter piping will be a violation of these rules and regulations. If the seals of a meter, the meter, or meter piping show signs of tampering, the meter will be resealed by the Utility Department and notice will be given the customer that the meter, meter piping and/or meter seals have been tampered with and that tampering is a violation of these rules and regulations.

If the meter, meter piping, and/or meter seals are further tampered with the Utility Department may charge and bill the customer a fee for each subsequent violation. The fee will be added to and treated as part of the customer's utility bill. The fee

will represent the estimated cost of meter inspection, repair, testing and resealing. The water will be shut off to the property until the fee is paid and a reasonable estimate of water received has been charged and payment received by the Utility Department. All expenses incurred by the Water Utility to discontinue service and subsequent reconnection will be paid by the customer.

8. Metering of Multiple Unit Dwellings. In the cases of accessory apartments, accessory buildings, mobile home parks, trailer courts, apartment houses, town houses, condominiums, rooming houses, malls or similar situations where individual metering is not practical and a single owner or association of owners is primarily responsible for payment of water use, the Water Utility Department will require only one meter to service all units and will send only one bill. If payment is not kept current the entire service may be discontinued in accordance with Section 15.

Multiple properties serviced by a private main will be required to have one primary meter to service all units. An association of owners is required to be created as the entity primarily responsible for the payment of services. Each individual property will not be billed separately.

9. Separate Services. All separately metered services must be controlled by a separate curb stop and curb box located in the public right-of-way or easement provided for such purpose. Where metered accounts exist without separate, approved curb stops and boxes, the Utility Department may require the installation of separate services from the City owned main to the meter, as a condition of service. Where multiple metered accounts exist on one service, controlled by one curb stop, the Utility Department may require the installation of separate services from the City owned main to the meter, or other acceptable remedy that assures prompt payment of utility charges. In all existing cases where multiple meters exist on a single service line and City curb stop, the account(s) will be maintained in the name of one owner, or association of owners, if applicable, who will be responsible for payment of all the bills connected to the single service line.
10. City Sewer; No City Water. Customers who are not on City water, but who discharge sewage into the City sewer will, at the expense of the customer, have their water service metered. The meter readings will be used as a basis for sewer service charge. The Utility Department will have access to the meter for inspection, testing and reading purposes. The customer's licensed master plumber will install an approved meter prior to receiving sewer service. All sewer only service needs to be provided with an operable shutoff located in the public right-of-way or easement accessible by City Personnel.

## SECTION 12: BACKFLOW PREVENTION AND CROSS-CONNECTION

1. Cross-Connection. It is the purpose and intent of these rules and regulations to protect the community potable water system from the possibility of contamination or pollution by isolating within its customers' private water distribution system or systems, such contamination or pollutants which backflow into the water distribution system. No pipes or fixtures, connected to the water supply of the City of Whitefish system will be connected directly or indirectly, to pipes or fixtures containing water from another sources.

2. Requirements for New and Existing Customers. All new and existing customers served by City Water will be required to install a backflow prevention device, approved by the Public Works Director/City Engineer.

Backflow prevention devices must be installed in accordance with the latest edition of the *Cross-Connection Control Manual* of the USC Foundation for Cross Control and Hydraulic Research, *Cross Connection Control Manual Accepted Procedure and Practice*, Pacific Northwest Section AWWA. As required in the "Uniform Plumbing Code, an approved Thermal Expansion Tank (along with relief valves) will be installed whenever a backflow prevention device is present in the system line.

3. Size and Type. The size and type of all backflow prevention devices will be determined by the Public Works Director/City Engineer or his designee based upon the size of service and the degree of hazard that exists or can be expected to exist on the premises served.

4. Testing and Maintenance. Testing of devices on commercial or multi-family and/or residential accounts will be the responsibility of the customer. The frequency of testing will be yearly in accordance with accepted industry practices and/or Ordinances adopted by the City Council.

5. Secondary Backflow Prevention Devices. A secondary backflow device will be installed immediately following the inlet gate valve after the service line has entered the structure, or in accordance with the manufactures' specifications, to facilitate removal for testing, repair or replacement. All installation, maintenance, testing, repair or replacement of backflow prevention devices installed in addition to the devices required by these rules and regulations, will be the responsibility of, and at the expense of, the customer.

6. Liability. The backflow prevention devices installed under this rule are intended for the protection of the potable water supply and distribution system of the City of Whitefish and in no way relieve the customer from liability or requirements to install backflow prevention devices under the *Uniform Plumbing Code* or other Building Codes that may apply.

## SECTION 13: FLAT RATES

Flat rates may be charged for each water and/or sewer service in circumstances where customers do not provide for prompt installation or replacement of service lines, meters and/or meter pit/vaults. The flat rate will be added to the customers' utility account until such time the work is completed. Any time water or sewer service is discontinued for any reason to a customer not currently metered, the customer will be required to make provision for the installation of a meter, service line and meter pit/vault before the Utility Department will turn the service back on.

## SECTION 14: SERVICE INTERRUPTIONS

1. Notification of Scheduled Interruption. Every customer affected by a scheduled interruption of service will be notified in advance of all programmed work. Notice will be made at least twenty-four hours in advance in the form of personal contact, electronic notification, or a door tag placed on the entranceway for schedule interruptions.
2. Emergency Interruption. The Public Works Department will make diligent effort to avoid interruptions of service and, when interruptions occur, will re-establish service as soon as possible. When emergency repairs, such as main breaks or fire hydrant damage, become necessary a concerted effort will be made by the Public Works Department to repair the cause without total disruption of service except for that period when complete shut off may be required due to the nature of the damage.

Notification of affected customers may not be possible; however, every effort will be made by the Public Works Department to have an announcement made by electronic media if the period of total interruption of service is expected to last more than four hours.

3. Liability. The City of Whitefish will not be liable to customers or others for failure, or interruption of water service due to main breaks, acts of God, governmental regulations, court or Public Service Commission orders, acts of a public enemy, strikes or labor disputes, accidents weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of the City of Whitefish or its personnel.
4. Adjustment of Rates for Interruptions. Interruptions of service due to any of the foregoing reasons or for frozen facilities of the customer will not render the Utility Department liable for any adjustment in the bill.

## SECTION 15: DISCONTINUANCE OF SERVICE

1. Vacation of Premises. Any customer who is about to vacate any premises supplied with service by the Utility Department, or for any reason wishes to have service discontinued, will give at least twenty-four hours' notice to the Utility Department.

Notice will specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holidays unless the customer agrees, in writing, to pay the call-out fee. A service to an established fire protection system will not be disconnected without notification by the customer to the property insurance carrier and the Fire Marshal.

2. Temporary Discontinuance. At the request of the customer to have the water turned off for the winter, if the property is vacant, or for other reasons, the customer will be charged the turn-off fee. In the event the curb stop cannot be turned off for any reasons, the Utility Department will notify the owner of the reason for not turning off service.
3. Discontinuance by the Utility Department. The customer will comply with all applicable rules and regulations, including the paying of bills.

Service will only be discontinued for violations or the failure to comply with City requirements, Ordinances, codes, or rules or regulations if such termination is specifically authorized by City Ordinance, after written notice has been mailed by regular mail to the customer that the violation of rules must cease; provided, however, that where fraudulent use of water is detected, or where the Utility's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. If the customer, upon notification, does not comply with the written notice within ten calendar days, the Utility Department will discontinue service. The Utility Department will keep record of all notices.

Service will be discontinued for nonpayment of bills after the bills become delinquent in accordance with Section 21. The date of disconnection will be no less than ten calendar days following the mailing of notification. The Utility Department will keep record of all notices.

The Utility Department will not discontinue service on Fridays, Saturdays, Sundays, City holidays, or if an emergency affecting health exists. A written statement from a physician or health agency must be presented to the Utility Department prior to the date of disconnection or it will be assumed no health condition exists and the City of Whitefish cannot be held liable.

4. Year-Round Base Rate. The monthly base rate for water, sewer and/or garbage service will apply to all accounts during the discontinuance of service, except as provided under Section 10.8 of these Rules.
5. Charge for Reconnection. Whenever the supply of water is disconnected, or scheduled for disconnection, for violation of these rules and regulations, dangerous conditions, or fraudulent usage, the offending situation will have to be rectified to the satisfaction of the Utility Department and payment of a turn-off fee, plus any late payment penalties and all other charges for service, including current balances, must be paid before the water will be reconnected.

## SECTION 16: CHANGES IN CHARACTER OF SERVICE

In the event the Water Treatment Plant makes changes in the system which would cause a 10 pound per square inch (psi) or more increase or decrease in the system pressure the Public Works Department will notify the affected customers. The customer will be responsible for the adjustment of appliances and equipment, or installation of pressure reduction devices to accommodate the change in system pressure.

## SECTION 17: FREEZING AND PREVENTION OF FREEZING

1. Mains. If the Public Works Department determines there is a danger of mains freezing, they may request customers, individually or within a specific area, to run sufficient water to prevent freezing. The request will be in writing with specific information as to the volume of water to be run. Customers thus requested will not be billed for the excess used for prevention of freezing during the request period. Their billing will be based on the amount used during the same billing period the previous year, or in the case of new customers the billing will be based on the base rate for meter size plus a reasonable estimate of normal usage. The Public Works Department will notify the affected customers when the period of freezing threat is over, and the normal billing rate will become effective the next billing period.

In the event a main does freeze the Public Works Department will be responsible for all costs in thawing the City main and repairing any damage to the City main.

2. Service Lines. The customer is responsible for the prevention of freezing of the service line and appurtenances. If freezing does occur to the service line the customer will bear the expense of thawing, replacement, or repair of the damaged piping, appurtenances and equipment, to include meters or other equipment owned by the Utility Department. Thawing will be accomplished only by a licensed plumber using methods approved by the Public Works Department. It is the responsibility of the customer to properly drain their water lines to prevent freezing when the water has been shut off for any reason.
3. Meters. The Customer will provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be easily accessible for reading and repair purposes. The meter must be located at the point of entry to the structure and will be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage will be paid by the customer.

## SECTION 18: FIRE HYDRANTS

Fire hydrants, except those on private fire protection lines and mains, are the property of the City of Whitefish which will have the responsibility for their maintenance and repair.



## SECTION 19: EXTENSION OF MAINS

1. Application for Extension. Customers or developers who have requested water and/or sewer service in an area not presently served by a City-owned main must first make application for a main extension on a form provided by the Public Works Department and the Montana Department of Environmental Quality. The application will be submitted to the Public Works Director/City Engineer or his designee and will contain all pertinent information as required by the application. Requests for extension by developers of subdivisions will also conform to the subdivision rules and regulations.
2. Approval of Extensions. All applications for extension will be reviewed and approved by the Public Works Director/City Engineer and forwarded to the City Manager, along with recommendations for approval or disapproval, for his review and final disposition. Approval of any extensions of the water and sewer mains will be discretionary and based on the merits of each case.
3. Construction. An engineering report, along with necessary plans and specifications for the extension, will be submitted to the Public Works Director/City Engineer and the Department of Environmental Quality for review and approval pursuant to Section 75-6-112, MCA, and the rules of the Department. All construction and materials will conform to applicable City standards. A preconstruction conference will be required prior to any construction activities.
4. Proximity of Water and Sewer Mains to Buildings or Structures. In accordance with the current editions of the *Uniform Plumbing Code* and the *Uniform Plumbing Code Illustrated Training Manual*, all water or sewer trenches deeper than and running parallel to the footing of a building or structure will be beyond the load bearing area of the structure's foundation and at least forty-five (45) degrees away from the footing, unless otherwise approved by the Public Works Director/City Engineer or his designee.  
  
No water or sewer main will be installed under any building, structure or wall, unless otherwise approved by the Public Works Director/City Engineer or his designee. No building, structure, wall or obstruction will be installed over an existing water or sewer main, or in a location which causes an existing water or sewer main to be within the load bearing or less than forty-five (45) degrees away from a footing, unless otherwise approved by the Public Works Director/City Engineer or his designee.
5. Inspection and Engineer Certification. The Public Works Department will make necessary inspections to ensure compliance with plans, specifications, and City standards. The cost of inspections will be borne by the customer or developer based on the estimated cost of the extension. The inspection fee will be agreed to prior to final approval of the extension application. In addition to any inspection by the Public Works Department the project engineer will be required, within ninety days of completion of the extension, to submit to the Public Works Department a certificate of compliance with the plans and specifications, along with a full and suitable set of "as built" plans and specifications.

6. Liability. The customer or developer will be liable for any and all claims for damage caused during construction and proper operation and function of all piping, valves, valve boxes, fire hydrants, manholes, lift stations or other appurtenances for a period of two years from date of receipt of compliance as provided for above, or from the date of introduction of the first service, whichever is later. If the main extension is a portion of a total improvements plan, the Public Works Department may require the one-year guarantee or liability period to commence after all improvements have been installed and the project is determined to be complete. The starting date for the notice of the liability period will be given to the customer or developer by the Public Works Director/City Engineer.
7. Dead Ends. Dead ends in the distribution or collection system will be avoided to the extent possible. If dead ends are unavoidable even on a temporary basis, the developer may, at the discretion of the Public Works Director/City Engineer, be required to provide facilities for flushing the line.
8. Cost of Extension. All costs of extension will be borne by the customer or developer, except as specifically provided for in an Extension Agreement.
9. Extension Agreements. If deemed appropriate and necessary, the City of Whitefish may enter into an Extension Agreement with a customer or developer. Extension agreements will be in accordance with policies established by the City Council.

## SECTION 20: BILLING

1. Billing Periods. Meters for all accounts will be read at monthly or other regular intervals. The date of the month for reading any meter will be as close as practical to the same date of the previous reading. The billing will likewise be monthly or other regular interval, with the date of mailing of the bill as near as practical to the date of mailing of the previous bill.
2. Billing Information. Bills will be sent to the address on file for the customer or authorized property manager, if applicable. For rental properties, the bill may be sent to the address of the property upon written request by the customer or authorized property manager. An occupant name may be added or changed upon request by the customer or authorized property manager. Bills will show the customer name, c/o occupant name, if applicable, meter readings at the beginning and the end of the period for which the bill is rendered, the billing date, the number of gallons supplied and the date upon which payment will be overdue.
3. Multiple Unit Billing. In all cases where there is more than one unit, dwelling, commercial enterprise, or the like, as provided for in Section 11.8, one bill only will be rendered for payment of water, sewer, and/or garbage service. The bill will be payable by the customer or association of owners. Failure to make payment will subject the entire service to discontinuance as provided for in Section 15.

4. Adjustment of Bills. The customer, at the customer's request, will be instructed on how to read the water meter. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer will notify the Utility Department within ten days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter the customer, upon depositing an amount sufficient to cover the cost of the meter removal and testing, may demand that the meter be removed and tested for accuracy and may demand that the testing be done in the presence of the customer. The customer who desires to be present for the testing will bear any and all costs incurred by the customer to be present. If the meter is found to be registering correctly (within two percent of true recording) or in favor of the customer, the deposited amount will be forfeited to the Utility Department. If the meter is found to be recording incorrectly (over two percent of true recording) against the customer the Utility Department will refund the deposit and refund the overcharge, based on a true recording, for a period of six months, or for a lesser period if the date of cause can be established from records related to the cause.
5. Adjustment for Water Leaks. All water that passes through a water meter will be charged, whether used, wasted, or caused by theft, vandalism, construction, negligence, or leakage, regardless if the property is occupied, unoccupied or vacant property.
6. Request for Sanitary Sewer Bill Adjustment Required. Each account is eligible to receive one (1) adjustment during a twelve (12) month period for a metered underground or outdoor leak that does not go into the sewer system. The Utility Department must be notified of a leak or high usage within ten (10) days of the billing date. The number of billing periods eligible for adjustments is limited to a maximum of two (2) consecutive billing periods. Once the leak has been identified and repaired, a leak adjustment request form along with the appropriate documentation may be submitted for an adjustment to be considered. A copy of a plumber's repair bill must accompany the adjustment request within thirty (30) days of such repair, stating why such adjustment should be considered. Completion of a leak adjustment request does not guarantee an adjustment will be made to your City utility bill. All requests are evaluated on a twelve (12) month average usage for the billing period. The account must remain current and bills paid by due date to avoid additional service charges. If a credit is issued, it will be posted to your account and reflected on your utility bill. No adjustments for filling a swimming pool, hot tub, washing vehicles, new landscape (new sod or new trees) etc. will be permitted.
7. Error in Billing. If an error in billing or meter reading has been made, the Utility Department may recover any amounts undercharged and must refund any over-collection for the previous six months, as applicable.
8. Dead Meters. If a meter is found not to register for any period, the Utility Department will compute the water used as follows:

- a. For customers who have been served for over one year: the amount billed will be based on the same consumption as that for the same period the previous year(s).
- b. For customers who have been served for less than one year: the amount billed will be based on the consumption for the previous billing period.

Exceptions will be made to this rule if the facts reasonably show that either method does not yield the correct consumption for the period the meter is inoperative.

9. Vicious Animals. In the event the Meter Technician is unable to enter a yard to read a water meter due to the presence of a dog or other animal the meter reader believes may cause physical harm, the meter for that customer will not be read. Instead, the meter reader will report the incident on the meter record book and the customer's water consumption will be estimated sufficiently high to assure adequate payment for the water consumed.

At the discretion of the Utility Department the remote meter will be relocated to accommodate the Meter Technician.

## SECTION 21: PAYMENT OF BILLS

Utility Bills are mailed out monthly and are payable in full upon receipt with a due date of the 20th day. On the 25th day, the customer will be notified in writing by the City of its intent to disconnect services at the subject premises by first class mail. The notice of service disconnection shall be mailed to the customer and the occupant at the customer's request. The notice will clearly indicate the delinquent amount, date of the scheduled door tag and fee, and the date of service disconnection and turn-off fee, unless suitable payment arrangements are made in writing between the Utility Department and the property owner. Partial payment of utility bills will be divided among all utility charges owed to the City of Whitefish.

## SECTION 22: PRIVATE MAINS

1. The City will have no obligation to maintain, test, repair or replace private mains, and the City will not be liable or responsible for any damage caused by water leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, repairing and replacing a private main. All customers served by a private main are advised to replace such line with a properly designed and installed main. The City will not allow any new connections to a private main.
3. If in the judgment of the Utility Services Supervisor and/or the Public Works Director/City Engineer a private main has become hazardous, or is leaking, or could damage or cause harmful effects to the water, sewer system, to customers, or to neighboring property owners or residents, the Utility Services Supervisor

and/or Public Works Director/City Engineer will give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Utility Services Supervisor and/or Public Works Director/City Engineer will allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Utility Services Supervisor and/or Public Works Director/City Engineer determines that it is not feasible or practical to remediate the private main, reasonable notice will be given to such customers of the need to install a new main or connect to an existing main. If any customer fails or refuses to conduct the needed maintenance, testing, repair or replacement, or fails or refuses to install a new main or connect to an existing main, it will be sufficient cause for discontinuance of service and the City may make necessary repairs and charge the cost of all labor and materials to the customer(s).

### SECTION 23: LATECOMER AGREEMENTS AND FEES

1. If the City is contractually obligated to collect a latecomer fee from a customer who connects to the City's water and/or sewer system, the City may refuse to allow such customer to connect to such system until the fee is paid to the City, or in the discretion of the City, until payment of such fee is adequately secured.
2. If the City requires a customer to connect to a main and the City is contractually obligated to collect a latecomer fee, the City will provide reasonable notice to such customer of the need to pay such fee. The City requires that the fee be paid in a single lump sum.

### SECTION 24: REQUIRED CONNECTION TO CITY SERVICES

If a City water main is readily available within a distance of 200 feet of the property line for connection, the property must connect to City Water as a new water source or as a replacement for a failed private water source. A connection is considered not readily available if:

1. The cost of the connection, as determined by the City, is greater than three times the cost of the installation of the private water system;
2. Connection to the public system is physically impractical; or
3. Necessary easements cannot be obtained.

Requirements to connect to City Sewer is governed by the Flathead County Regulations for Onsite Sewage Treatment Systems.