

## Ordinance Number 121

### **An ordinance amending Title 4 Sewer and Water Chapters 02 Sewer Connection Regulations and 06 Water Regulation to include a change in fees.**

**Be it ordained by the Bainville Town council of the Town of Bainville, Montana:**

**4.02.040 Connection Fee.** Any person obtaining a permit for connection with the sewer system shall pay an impact fee of \$7,030.00 per equivalent dwelling unit (EDU) plus administrative fee of five (5) percent or \$351.50.

**4.06.040 Payment of Water Rental.** All bills for water and sewer are due and payable on the fifteenth day of each month for all water used during the preceding month and become delinquent on the fifteenth day thereafter and if still delinquent on the twentieth day after said due date, the water may be shut off and shall not be turned on again until all bills and penalties are paid, including an additional charge of fifty dollars (\$50.00) for turning on the water.

Owners of property served shall be liable for all water and service charges; however, payments may be accepted from tenants, but that will not relieve the owner if tenants become delinquent.

**4.06.050 Water to be Turned on by Town.** After the water has been turned off at the curb cock as provided in Section 4.06.040, it shall not be turned on by any person except an employee of the town council, and if so turned on at the curb cock by any person other than an employee of the town, the town council shall have the water turned off at the main and shall charge against the property owner a penalty of fifty dollars (\$50.00) which must be paid before the water shall again be turned on, and in addition thereto, the party turning on said water in violation of the provisions of this section may be punished for said violation in a sum to be fixed by the town council.

It shall be unlawful for any person to knowingly take or use or allow to be used for their benefit, any water without having previously contracted therefore with the proper authorities of the town.

No plumber or other person will be allowed to make or change a connection with any conduit, pipe or other fixture connecting with the water system, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without the permission from the town council.

**4.06.130 Notification for Shutting Off Water.** Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the town council when notified to do so in writing will 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. No reduction in bills will be made for the time any service pipes may be frozen.

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

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 water is turned off, the

hot water faucet should be opened and left open until the water is again turned on. A check valve must always be placed between the boiler and the mains, or between the boiler and meter, to prevent draining the boiler, or damaging the meter. Never leave the premises with any faucets open and water turned off.

**Effective Date:** This ordinance shall be effective 30 days after second reading and final adoption.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading on the 11<sup>th</sup> day of December 2017, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

Second reading and final adoption on the 8<sup>th</sup> day of January 2018, by a vote of 2 Ayes, 0 Nays, 0 Abstain, and 1 Absent

ATTEST

APPROVED

/s/Nikki Rogers  
Nikki Rogers, CMC  
Clerk-Treasurer

/s/Dennis Portra  
Dennis Portra  
Mayor