

ORDINANCE NO. 782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING CHAPTER 13.04 WATER REGULATIONS OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend Chapter 13.04 Water Regulations of the Columbia Falls Municipal Code; and

WHEREAS, a hearing on said text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, November 5, 2018, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Section Amended: Chapter 13.04 Water Regulations, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19th DAY OF NOVEMBER, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Shepard, Fisher, Karper, Piper, Robinson and Barnhart

NOES: None

ABSENT: Lovering

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 19th DAY OF
NOVEMBER, 2018.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Chapter 13.04 Water Regulations

13.04.020 Definitions.

As used in this chapter, the following words and phrases shall be as set out in this section:

- A. City. This term means the city of Columbia Falls, Montana.
- B. Consumer or Customer. This term means the individual, partnership, or corporation identified on an approved application as the owner of property served or owner's representative.
- C. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment. The city recognizes the following classes for the purpose of assigning a volume rate:
 - 1. Commercial Class. Customers who occupy a premises for the purpose of buying, selling, trading, acquiring, disposing, storing, leasing articles, commodities, or property; or providing a service, craft, amusement, or recreation; or provide assemblage; or provide education of one hundred or less students; or provide lodging accommodations for transient persons.
 - 2. Government Class. Customers that occupy premises that provide governmental services, institutional lodging or education for more than one hundred students.
 - 3. Industrial Class. A customer that consumes at least an average of five hundred thousand gallons per month over any twelve-month period and the highest and lowest demand (measured in gallons per minutes) does not vary by more than ten percent from one-half the sum of the average demand for a thirty-minute interval preceding and succeeding the time of interest.
 - 4. Multi-family Class. Customers that occupy premises where multi-unit dwellings, consisting of three or more units, located on a single property, provide housing for permanent residents.
 - 5. Single Family Class. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.
- D. Landlord Agreement. An agreement between the utility and the owner of a property whereas the owner allows the utility to establish an account in the name of the renter while retaining responsibility for unpaid charges.
- E. Payment Agreement. This term means a written agreement, on city form, that prescribes the schedule of payment for past due amounts.
- F. Plant Investment Fee. An amount charged to offset the cost of restoring system capacity that is reduced with usage from each additional connection.
- G. Plumbing Inspector. This term means a person designated by the city to inspect plumbing.
- H. Rate-Rate Schedule. These terms mean water rates or fees set forth under the rate schedule adopted by the city council by resolution.
- I. Regular Service Line-General Service Line. These terms refer to a service line or portion thereof, that is constructed to provide water for uses other than temporary service or fire service.
- J. Service Charge-Base Service Charge. An amount charged per connection based on the diameter size of service connection.
- K. Service Line. This term means every part of the piping and appurtenances from the water main to the customer's side of the meter, including the corporation stop, curb stop, meter, meter isolation valves, check valve and connecting piping between these components.
- L. Superintendent-Water Superintendent. These terms mean the person appointed by the city as the head of the water department.
- M. Temporary Service. A temporary service means any service of water to a consumer for a period of time less than six months and likely not recurring.
- N. Utility. This term means the city water department.
- O. Volume Charge. The charge for volume of water delivered to the property served determined by meter reading or estimate based on an average of known volume usage
- P. Sharing of Costs. Subject to exceptions set forth in 13.04.600, for repairs to leaks in service lines between the main and the curb stop, the City and the customer will each pay 50% of the incurred cost. For repairs to leaks in service lines between the curb stop and the customer's structure, the customer will pay 70% of the cost and the City will pay 30% of the incurred costs.

. (Ord. 653 § 1(part), 2004)

13.04.600 Responsibility of consumer.

- A. Except as otherwise provided in this Section, the water customer shall be responsible for the maintenance and repair of the service line located downstream from the city right-of-way, excepting normal wear of the meter. Any cost of repairs to the service line from the main to the city right-of-way, including the curb shutoff valve, shall be shared by the utility in those circumstances where it can be demonstrated that the necessary repairs are not the fault of the property owner. Such costs may include all materials and labor, whether the work is contracted or performed by city crews. All repair work must be completed by properly licensed contractors and the cost determined by obtaining a minimum of two quotes.
- B. The utility shall approve the size of the service line and the type of valves and equipment installed as part of the service line, based on standards adopted by the utility.
- C. Any tampering with the curb box shutoff valve or meter by unauthorized individuals may result in termination of service and prosecution as a misdemeanor offense.
- D. If a portion of the repair costs are due in part to damage resulting from impacts of the water leaks to adjoining private property, multiple adjoining private properties, other utilities, or public infrastructure, the City will pay 100% of the costs to repair such additional portions of the repair costs.
- E. The customer's share of the cost of repairs may be paid over a period of 12 months on the regular utility bill, not subject to interest, or the customer may elect to have the cost of repairs placed on their property tax bill.

(Ord. 653 § 1(part), 2004)

13.04.110 Existing connections-Upgrading.

- A. When Required. All service connections shall meet the current requirements and specifications of a new connection when any of the following occur:
1. There is a change in use of the property that warrants a new connection;
 2. When the meter is changed due to wear or obsolescence;
 3. When there is service line work performed that requires excavation of the service line or replacement of the service line or portions thereof. (Ord. 653 § 1(part), 2004)