

RULES AND REGULATIONS
FOR THE
CITY OF WHITEFISH
WATER, WASTEWATER AND GARBAGE UTILITY



ADOPTED BY RESOLUTION NO. 11-60 ON DECEMBER 5, 2011
AS AMENDED BY RESOLUTION NO. 13-01 ON JANUARY 22, 2013
AS AMENDED BY RESOLUTION NO. 13-05 ON MAY 6, 2013
AS AMENDED BY RESOLUTION NO. 14-47 ON OCTOBER 6, 2014

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RULE I: GENERAL APPLICABILITY

The following Rules and Regulations shall constitute a part of the contract with every consumer or customer of City garbage, water and/or sewer service. A copy of the Rules and Regulations shall be on file in the offices of the City Clerk and Water and Wastewater Utility of the City of Whitefish for inspection and review upon request.

RULE II: 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 insure adequate service and to prevent unfair charges to the customer, and to protect the Whitefish Water and Wastewater Utility from unreasonable demands.
3. The Whitefish Water and Wastewater Utility 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 Water and Wastewater Utility Supervisor.
4. The adoption of these rules and regulations shall 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 and Wastewater Utility. All consumers/customers are bound by these rules and regulations, as amended from time to time.
5. These rules and regulations shall not relieve in any way the Whitefish Water and Wastewater Utility 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.

RULE III: DEFINITIONS

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

1. "City Manager" means the duly appointed City Manager of the City of Whitefish or any person authorized by him/her to perform acts in his/her behalf.
2. "City Council" means the duly elected governing body of the City of Whitefish, to include the Mayor.
3. "City Sewer" means the system operated by the Whitefish Water and Wastewater Utility for the collection and treatment of sewage.
4. "City Standards" means those standards adopted by the City Council which pertains to the design, materials, and construction practices for water and wastewater utilities.
5. "City Water" means the system operated by the Whitefish Water and Wastewater Utility for the treatment and distribution of water.
6. "Commercial Service" means any water or sewer 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 shall 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. "Customer" or "Consumer" means the owner of the property receiving any garbage, water and/or sewer service.
8. "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.
9. "Director of Public Works/City Engineer" means the duly appointed Director of Public Works/City Engineer of the City of Whitefish or any person authorized by him/her or the City Manager to perform acts in his/her behalf.
10. "Distribution Main", "Collection Main", or "Main" means a water or sewer pipe owned, operated, and maintained by the Whitefish Water and Wastewater Utility, which is used for the distribution of water or collection of sewage and to which service connections are made.
11. "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.

12. "Latecomer Fees" means an amount of money that the City is contractually obligated to collect from a City water and/or sewer customer and to remit to a Developer who has installed mains or other capital facilities.
13. "Meter Pit" 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 shall be exterior meter sets, or meters located in vaults or boxes approved by the City.
14. "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.
15. "Private Fire Protection Line" means a 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 Water Utility does not maintain any portion or component of the system.
16. "Private Main" means any water or sewer pipe not owned, operated and maintained by the City of Whitefish to which more than one service line was originally connected. A list of private mains that are connected to the City's water and/or sewer system is attached as Appendix 1. Appendix 1 is not exclusive, and the City reserves the right to identify any additional private mains.
17. "Public Service Commission" means the Montana Public Service Commission.
18. "Residential Service" means water or sewer usage solely for residential purposes.
19. "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.
20. "Service Pipe" or "Service Line" means the piping from the service connection at the main to the customer's premises.
21. "Water Utility" or "Wastewater Utility" or "Water and Wastewater Utility" means the City of Whitefish Water and Wastewater Utility.
22. "Water and Wastewater Utility Supervisor" means the duly appointed Supervisor of the Whitefish Water and Wastewater Utility or any person authorized by him/her to perform acts on his/her behalf.

RULE IV: 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 shall

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 shall be kept at the offices of the Water and Wastewater Utility (and/or City Clerk) and shall 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, shall be effective until adopted by the City Council after due process of law.
3. Annual Financial Report. The Water and Wastewater Utility shall make a report annually to the Public Service Commission and furnish a copy thereof to the Montana Consumer Counsel. The report shall set forth the rates and numbers of users of each service and classification, all rate increases, and the total income and expenditures of the Water and Wastewater Utility as provided in Section 69-3-203, MCA.

RULE V: CUSTOMER INFORMATION

1. Rules and Regulations. A copy of the rules and regulations of the Water and Wastewater Utility and any contracts, applications, or agreements applicable to the Water and Wastewater Utility shall be maintained in the City Clerk's office for review and inspection by the public.
2. Rates. Water and Wastewater Utility personnel shall 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 Water and Wastewater Utility shall supply the customer a copy of the current rate schedule.
3. Posting. The Water and Wastewater Utility shall exhibit, in a conspicuous location, a suitable placard in large type, giving information to the customer that a copy of the rules and regulations and a schedule of rates of the Water and Wastewater Utility are available for their inspection. The placard shall also state that the Water and Wastewater Utility is regulated by the City Council and under the direct supervision of the Water and Wastewater Utility Supervisor.

RULE VI: APPLICATION FOR WATER AND/OR SEWER SERVICE

1. Free Service. The Water and Wastewater Utility shall not supply free water and/or sewer service to any customer, public or private.
2. Introduction of Service Within Whitefish City Limits. Property owners seeking the introduction or continuation of City water and/or sewer service within City limits

must make application for City services at the Water and Wastewater Utility 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. Property owners that will 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 Rule VI(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 shall require City Council approval.
4. Applications. All applications for the introduction of water and/or sewer service or the continuation of water and/or sewer service must be signed by the property owner or their agent, duly authorized in writing, if applicable, prior to the initiation of development/new construction. If the owner authorizes the utility bill to be sent to a property manager or tenant, the owner will notify the City in writing with any change of authority or occupancy. If the City 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 City may require the current customer to sign an application. Refusal to sign a current application, after reasonable notice, shall be sufficient cause for discontinuance of service. All customers are bound by these rules and regulations whether or not the customer has signed an application.
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 owner or owner'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 Water and Wastewater Utility 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 owner's or the owner's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service. "Ord. No. 03-23"
6. Application for Private Fire Protection Service. Customers requesting private fire protection systems shall make special application. The size and location of fire protection system connections will be determined by the Water and Wastewater Utility. The pipeline used for the system shall be separate, with no interconnections between the service pipe and any other piping or fixtures within

or outside the structure. The customer shall pay all costs of installation, operation, and maintenance of the system and the entire system shall be subject to inspection, test and approval of the Water and Wastewater Utility before service is made effective and at such time thereafter as may be deemed necessary or appropriate by the Water Utility.

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 shall then be available. The Water Utility shall 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 shall 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 Water Utility and the seals may be broken only in case of fire or as specially permitted by the Water Utility, and the customer shall immediately notify the Water Utility of the breaking of any seals.

Fire protection systems shall 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".

Fire protection systems will not normally be metered, but may be charged as a service according to size as prescribed in the rate schedule. At the discretion of the Water Utility 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 shall notify the Water Utility of the test, designating the day and hour when the test is to be made so that, if desired, the Water Utility may have an inspector present during the test.

7. Change in Use. The customer agrees to obtain, in advance, the approval of the Water and Wastewater Utility Supervisor for any change, alteration or additions in the fixtures, openings and uses specified in the application.
8. Prior Responsibility. It is the responsibility of the applicant to contact the Water and Wastewater Utility 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 Rule XX: "Extension of Mains".
9. Rights and Compliance. Upon approval of the application for service, the consumer has the right to take and receive a supply of water and/or discharge

sewer for the particular premises for the purposes specified in the application subject to compliance by the consumer with these rules and regulations, as amended from time to time.

10. The Water and Wastewater Utility May Decline to Serve a Customer:

- a. Until the customer has complied with these rules and regulations and other Ordinances, resolutions and regulations of the City of Whitefish;
- b. If, in the judgment of the Water and Wastewater Utility 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; or
- c. The customer's system could cause damage or harmful effects to the Water and Wastewater Utility's system or adjoining properties.
- d. The customer's system or a private water line serving customer's property is leaking and the applicant or customer refuses to repair the leak.

All refusals to serve shall be made in writing to the customer by the Water and Wastewater Utility.

RULE VII: COMPLAINTS

The Water and Wastewater Utility shall make a full and prompt investigation of all complaints made by customers of the Water and Wastewater Utility either directly, through the City Manager, or through the Montana Consumer Counsel, and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Water and Wastewater Utility shall notify the customer of the privilege of appeal to the City Manager or Consumer Service Representative of the Montana Consumer Counsel.

RULE VIII: PROVISIONS OF SERVICE

1. Limitations on Connections. No plumber or other person shall 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 Water and Wastewater Utility, without permission from the Water and Wastewater Utility.
2. Cross Connections. No pipes or fixtures connected to the water supply of the Water Utility 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, and consumers 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 Water Utility. When the Water Utility 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 shall be to all customers served by the private main and such notice shall 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 Water Utility without further notice.

4. Summer Watering. Where the customer wants their service discontinued for any period of time during the year, or have no usage for any given month, these customers shall not receive a reduced rate or no annual average for summer watering during the five monthly periods for June through October in accordance with the rate schedule. Customer shall notify the Water and Wastewater Utility, stating the date of water shut-off and the date of water turn-on. When services are disconnected, the Water and Wastewater Utility shall still charge the customer a monthly base rate for water, sewer, garbage and any usage. The Water and Wastewater Utility shall charge for turning the water on in accordance with the rate schedule.

Residential 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 residential units: Single-family residential 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. Multi-Family residential units: Multi-family residential 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. Irrigation meters: The City will activate the billing services for irrigation meters between June and October, and will deactivate the billing services to the irrigation systems between November and May. During the periods of deactivation, no base charge for the irrigation meters will be assessed to the property owners. However, any water metered through an irrigation meter outside the summer watering season, June through October billing periods, shall be billed at the normal water usage rates. A backflow prevention device is required in all instances to be installed in an irrigation system.

- d. Commercial and 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 Water Utility will furnish a sprinkler meter at cost to the commercial and residential customer.
5. Conservation Fee. In the interest of preventing waste and promoting conservation of water, the Water Utility may, if conditions require, specify the hours and days during which sprinkling will be permitted. Upon determining that conservation of water is advisable, the Water Utility will publish a notice in newspapers and will prominently post notice in its offices. The Water Utility will make reasonable determination, based upon existing facts, whether a customer is using water in a wasteful manner or failing to observe the hours and days for sprinkling service. Upon determining that a customer is wasting water or failing to observe the hours and days for sprinkling, the Water Utility will deliver to the customer a copy of the notice of hours and days of sprinkling and shall advise the customer of the "conservation fee" which is to be charged if water is wasted or the specified sprinkling hours and days are not observed. If the customer cannot be contacted at the time the Water Utility discovers the customer's waste of water or failure to observe sprinkling hours, the Water Utility shall leave notice of the violation at the customer's door and it shall be deemed the customer has been adequately notified. If the customer is found to be wasting water or otherwise failing to observe sprinkling hours at any subsequent time in the sprinkling season, the Water Utility may charge and bill the customer a "conservation fee" for each day of violation. The "conservation fee" shall be added to, and treated as part of the customer's utility bill. All expense incurred by the Water Utility to discontinue service and subsequent reconnection shall be paid by the customer.
6. Turn-on Service. A service charge shall be levied to turn-on water service for any customer; provided, however, that service turn-on for any customer whose service is being returned after disconnection due to non-payment of bills, for violation of the utility rules and regulations, or for fraudulent use of water shall be charged in accordance with the rate schedule.
7. Resale of Water. Water furnished by the Water Utility shall 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.
8. 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.
9. Access to Property. The Water and Wastewater Utility personnel shall at all reasonable times have access to meters, service connections, curb boxes,

private mains, and any property owned by the City which is on the customer's premises, for the purpose of maintenance, operation, and inspection. The Water and Wastewater Utility also reserves 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 shall remove obstructions and contain pets so they do not impair ingress or egress or interfere with the work of the Water and Wastewater Utility personnel. If the customer refuses to allow access, remove obstructions or contain pets for official Utility purposes, it shall be deemed to be sufficient cause for discontinuance of service. The customer shall have the right to verify the identity of the person seeking access.

10. Identification of Employees. Every employee of the Water and Wastewater Utility whose duties require the entering of the customer's premises shall carry an identification card which identifies the employee as a representative of the Water and Wastewater Utility. The identification card shall contain pertinent information necessary to identify the employee, including a photograph together with the telephone number of the Water and Wastewater Utility. The customer may deny access to the customer's premises while the customer calls the Water and Wastewater Utility to verify the authenticity of the identification and that the employee is working for the Water Utility and is on official business.
11. Storm Drainage and Other Wastes. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, storm drains, 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 of the Wastewater Utility.

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

Customers that discharge surface runoff or ground-water to the sanitary sewer system will be charged for such volume as can be reasonably estimated based on site specific conditions. The charges will be in accordance with the established rate structure applicable to the customer.

No person shall 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 of the Wastewater Utility.

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

12. Above Normal Strength Sewage. The Wastewater Utility will assess charges for above normal strength sewage discharged to the City sewer. Normal strength sewage shall 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). The charges shall be in accordance with the established rate schedule.

13. Interior Plumbing and Fixtures. All plumbing connected, directly or indirectly, to the supply or service of the Water and Wastewater Utility shall conform to the installation requirements of the International Association of Plumbing and Mechanical officials "Uniform Plumbing Code" and these rules and regulations. None but City-licensed, Montana State licensed master plumbers or their representatives shall make any connections to or install any piping or fixtures connected directly or indirectly to the water supply or sewer service of the City of Whitefish.

RULE IX: RATE ESTABLISHMENT

1. Rates and Rate Adjustments. All rates and rate adjustments shall 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 and sewer rates shall be charged against the property on which it is furnished and, if for any cause any sums due therefore become delinquent, service may be shut off from the property and not turned on again until all such delinquencies have been paid in full or suitable arrangements for payments have been made. In the case of leased property, the City and customer shall exercise reasonable efforts to collect any delinquency from the tenant, including use of the tenant's deposit. If unsuccessful, however, the City shall be entitled to collect the remaining delinquency from the property owner even by placement of a lien on the property. No change of tenants shall affect the application of this Rule.

RULE X: SERVICE LINES AND CONNECTIONS

1. Main 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. All excavations in public right-of-way or easement require a permit issued by the Director of Public Works/City Engineer or his designate. For residential and commercial water services the Water Utility shall install a service clamp and corporation cock at the main as well as tap the main for a fee in accordance with the rate schedule. On all other services the customer shall bear the full expense for labor, equipment and materials involved in the tapping of the main. The Water Utility will make all water taps - without exception.
2. Service Lines. The customer, at the customer's expense, shall 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 water curb cock and curb box shall be located in an accessible location in the public right-of-way or easement, as directed by the Water Utility. There shall be no branches made in the water service line between the City's curb stop and the meter. All piping and appurtenances shall be installed, disinfected, and flushed in accordance with appropriate City standards.

3. Permit to Install or Alter Service Line. Any and all installation, repair, replacement or alterations of service lines from the main to the consumer's premises or consumer's meter, shall require a permit issued by the Water and Wastewater Utility. The permit shall include the reason for the work and a description of the work to be performed. The permit shall be obtained and signed by a City-licensed, Montana State licensed master plumber or his representative, for the property owner. The holder of the City license shall be primarily responsible for compliance with City standards, the Uniform Plumbing Code, these rules and regulations, or any other applicable rules and regulations.

Upon completion of all necessary work the permittee shall have the work inspected by a representative of the Water and Wastewater Utility, then return the permit to the Water and Wastewater Utility office along with a suitable map - 8½ by 11-inch standard - showing the location of the 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" shall also be required.

4. Maintenance of Service Lines. The customer, at the customer's expense, shall maintain all private water mains, service piping and appurtenances, between the City's water main or curb stop and the customer's meter, 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 lines or their private water mains immediately upon discovery. Leaks in buried iron piping or other material that does not comply with existing City Standards shall require replacement from the curb stop to the meter. The City Water Department shall maintain service lines from the City owned mains to, and including the City's curb stop.

It shall be the responsibility of the customer to maintain the curb box in an operable condition and accessible at all times. If the customer requests a service disconnect and the service cannot be turned off by the Water and Wastewater Utility due to an inoperable or inaccessible curb box the service will not be disconnected. If the Water and Wastewater Utility needs to disconnect a service in accordance with Rule XV (3) Discontinuance by the Water and Wastewater Utility, and the curb box is inoperable or inaccessible, the Water and Wastewater Utility may make necessary repairs and charge such work to the customer.

5. Size and Location. The size and location of all service lines will be determined by the Water and Wastewater Utility.

6. Separate Service Lines. Service lines shall be so arranged that the supply of each separate building, house, or premises, is controlled by a separate curb cock and curb box, except as provided for by these rules and regulations. In the case of accessory apartments, accessory buildings or accessory uses, as defined by the zoning regulations, separate services may not be required if the following conditions are met:
 - a. The property remains under single ownership; and
 - b. The property cannot be further subdivided to separate the dwelling units.
7. Abandonment of Service. Whenever a building served by water and sanitary sewer ceases to exist, both services shall be abandoned. The sanitary sewer shall be abandoned at the main. Abandonment of the water service shall require disconnection at the water main. At the discretion of the Water and Wastewater Utility, however, and depending upon whether water service is anticipated to be renewed within one year, temporary removal from service may be controlled with an operative curb stop.

The monthly base rate billing for water or sewer service will be discontinued for a building if the following conditions are met. Evidence of subsequent water use shall be sufficient grounds to resume monthly billing.

- a. The respective utility service line is abandoned in a manner acceptable to the Water Utility; 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 shall be issued before the work is performed and the completed work shall be inspected and approved by City personnel. The inspection fee shall be paid and the City shall approve the work before monthly billing is discontinued. The property owner shall continue to be responsible for maintenance of the water and/or sewer service lines that remain connected to the City utility.
8. Water and Sewer Service Line Replacement. Whenever improvements are made to the property that require an increase in the service pipe size, the Water and Wastewater Utility will require replacement of the entire service line and replacement of meter that is inside of the building to an outside meter pit. Any time that repairs are required to service lines, and the material does not conform to existing City Standards the entire service line must be replaced and the meter that is inside of the building shall be moved to an outside meter pit.

RULE XI: METERING

1. Providing Meters. All water furnished by the Water Utility, except as provided by these rules and regulations, shall be metered. Upon payment of all fees in

accordance with the rate schedule, these rules and regulations and applicable City ordinances, the Water Utility shall provide, operate, and maintain all such meters, except as provided by these rules and regulations.

2. Size of Meters. The Water Utility shall be the sole judge of the size of any meter installed. Judgment shall 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 Water Utility may replace, or remove for testing, any meter it deems necessary.
4. Location of Meters. All new meters shall be installed outside of the structure being served, unless approved by the Water Utility. Meters shall be installed in a meter pit or vault approved by the Water Utility: (1) in front of the premises to be served, adjacent to the edge of a street right-of-way or utility easement accessible to the Water Utility; (2) meter pits or vaults may 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, and at the expense of the property owner.

The Customer shall 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 shall be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage shall be paid by the customer.

When a meter is located inside a house or building the Water Utility may install a remote meter for meter reading on the exterior of the house or building. The remote meter shall, 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 Water Utility 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 Water Utility shall, at the discretion of the Water Utility 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 shall be considered to be obstructed.

5. Meter Testing. The Water Utility shall 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 apparatus and equipment may be owned and operated by the Water Utility, or the meters may be sent to a qualified shop or laboratory for testing. The Water Utility shall have a regular program for testing all meters and shall keep an accurate record of the date and results of testing of each meter.
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 so as 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 which the Water Utility deems to be within the prescribed accuracy shall be sealed by the Water Utility. The breaking of seals by unauthorized persons or tampering with any portion of the meter or meter piping shall 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 shall be resealed by the Water Utility and notice shall 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 Water and Wastewater Utility may charge and bill the customer a fee for each subsequent violation. The fee shall be added to and treated as part of the customer's utility bill. The fee shall represent the estimated cost of meter inspection, repair, testing and resealing. The water will be shut off to the customer until the fee is paid and a reasonable estimate of water actually received has been charged and payment received by the Water and Wastewater Utility. All expenses incurred by the Water Utility to discontinue service and subsequent reconnection shall 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, emporium shops, 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 may 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 Rule XV. Metering under these conditions will be based on the merits of each case.
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 Water and Wastewater Utility 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 Water and Wastewater Utility 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) shall be maintained in the name of one owner, or association of owners, if applicable, who shall 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 shall, at the expense of the customer, have their water service metered. The meter readings shall be used as a basis for sewer service charge. The Water and Wastewater Utility shall have access to the meter for inspection, testing and reading purposes. The customer's licensed master plumber shall 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 only by the Water and Wastewater Utility.

RULE XII: BACKFLOW PREVENTION

1. Requirements for New Customers. All new customers not previously served by the Water Utility requesting introduction of water service to their premises, shall be required to install a suitable backflow prevention device, approved by the Director of Public Works/City Engineer or the Water and Wastewater Utility Supervisor.

Commercial accounts shall 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".

2. Location. The backflow prevention device shall be installed immediately following the inlet gate valve and preceding the meter, or in accordance with manufacturer's specifications, to facilitate removal for testing, repair or replacement.
3. Size and Type. The size and type of all backflow prevention devices shall be determined by the Water and Wastewater Utility 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 residential accounts shall be the responsibility of the customer. The frequency of testing shall be in accordance with accepted industry practices or ordinances adopted by the City Council.

5. Secondary Backflow Prevention Devices. All installation, maintenance, testing, repair or replacement of backflow prevention devices installed in addition to the devices required by these rules and regulations, shall be the responsibility of, and at the expense of, the customer. The frequency of testing shall be in accordance with accepted industry practices or ordinances adopted by the City Council.
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 Water Utility 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.

RULE XIII: FLAT RATES

1. Prohibited. No new flat rate users will be allowed by the Water and Wastewater Utility; all new customers will be required to install meters.
2. Flat Rates Charges. 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 meters or meter wells. The minimum flat rate shall be determined by applying the applicable rates based on an estimate of the volume used.

Any time water or sewer service is discontinued - for any reason - to a customer not currently metered, the customer shall be required to make provision for the installation of a meter before the Water and Wastewater Utility will turn the service back on.

Any time that a new application for water service is required by these rules and regulations, the customer shall be required to provide for the installation of a meter before the application will be approved or service provided.

RULE XIV: SERVICE INTERRUPTIONS

1. Notification of Scheduled Interruption. Every customer affected by a scheduled interruption of service shall be notified in advance of all programmed work. Notice shall be made at least eighteen hours in advance in the form of personal contact, or a notification tag placed on the entranceway for interruptions affecting twenty-four or fewer customers. For interruptions affecting more than twenty-four customers the Water and Wastewater Utility will attempt to make personal contact with, or otherwise notify commercial customers and shall make notification over the electronic media for all other affected customers at least twice prior to interruption of service.
2. Emergency Interruption. The Water and Wastewater Utility shall make diligent effort to avoid interruptions of service and, when interruptions occur, shall

re-establish service as soon as possible. When emergency repairs, such as main breaks or fire hydrant damage, become necessary a concerted effort shall be made by the Water and Wastewater Utility 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 shall be made by the Water and Wastewater Utility to have an announcement sent on the electronic media if the period of total interruption of service is expected to last more than four hours.

3. Liability. The Water and Wastewater Utility shall 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 Water and Wastewater Utility 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 shall not render the Water and Wastewater Utility liable for any adjustment in the bill.

RULE XV: DISCONTINUANCE OF SERVICE

1. Vacation of Premises. Any customer who is about to vacate any premises supplied with service by the Water and Wastewater Utility, or for any reason wishes to have service discontinued, shall give at least twenty-four hours' notice to the Water and Wastewater Utility. Notice shall 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 actual cost of turn-off.
2. Temporary Discontinuance. Should the customer desire temporary discontinuance of service the Water and Wastewater Utility shall, when notified in writing, shut off the water at the curb stop. In the event the curb stop cannot be closed for reasons beyond the control of the Water and Wastewater Utility, the Water Utility shall notify the customer of the reasons for not discontinuing service.
3. Discontinuance by the Water and Wastewater Utility. The customer will comply with all applicable rules and regulations, including the paying of bills.

Service shall only be discontinued for violations of these rules or for the failure to comply with other City project 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 by the Water and Wastewater Utility that the violation of rules must cease; provided, however, that

where fraudulent use of water is detected, or where the Water and Wastewater 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 Water and Wastewater Utility shall discontinue service. The Water and Wastewater Utility shall keep record of all notices. "Ord. No. 03-23"

Service shall only be discontinued for nonpayment of bills after the bills become ten or more days delinquent. The utility bill contains lines for "charges", "past due", "balance", and "current charges". If the customer has not paid or made suitable arrangements with the Water and Wastewater Utility for payment, the Water and Wastewater Utility shall mail by regular mail a notice indicating the amount due and the date of disconnection. Accounts with charges for service not paid by the 20th day of the month shall be assessed a late payment penalty to defray the cost of administering delinquent accounts, including mailing of late notices. The date of disconnection shall be no less than ten calendar days following the mailing of the notice, excluding the date of mailing. The Water and Wastewater Utility shall keep record of all notices. In the case of a property manager or a tenant, all of the notices regarding delinquent accounts or potential discontinuance of service shall be sent to the customer and property manager or tenant.

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

4. Year Round Base Rate. The monthly base rate for water, sewer and/or garbage service shall apply to all accounts during the discontinuance of service, except as provided under Rule X, Item 7, of these Rules.
5. Charge for Reconnection. Whenever the supply of water is turned off, or scheduled for turn off, for violation of these rules and regulations, including nonpayment of bills, dangerous conditions, or fraudulent usage, the offending situation shall have to be rectified to the satisfaction of the Water and Wastewater Utility and payment of a service charge, plus any late payment penalties and all other charges for service, must be paid before the water will be turned on.

RULE XVI: CHANGES IN CHARACTER OF SERVICE

In the event the Water Utility 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 Water Utility shall notify the affected customers. The customer shall be responsible for

the adjustment of appliances and equipment, or installation of pressure reduction devices to accommodate the change in system pressure.

RULE XVII: ADEQUACY OF FACILITIES

The Water and Wastewater Utility shall construct, operate, and maintain its entire water supply and sewage collection system, but not private mains, in a condition that will furnish safe, adequate and continuous service. The Water and Wastewater Utility shall comply with the rules of the United States Environmental Protection Agency and the Montana State Department of Health and Environmental Sciences governing purity of water, testing of water and sewer effluent, quality of effluent, operation of treatment plants and all other rules they may prescribe pursuant to law, having as their ultimate end the purity of water and quality of effluent.

RULE XVIII: FREEZING AND PREVENTION OF FREEZING

1. Mains. If the Water and Wastewater Utility determines there is a danger of mains freezing, the Water and Wastewater Utility may request customers, individually or within a specific area, to run sufficient water to prevent freezing. The request shall 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 Water Utility shall 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 Water and Wastewater Utility shall be responsible for all costs in thawing the main and repairing any damage to the 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 shall bear the expense of thawing, replacement, or repair of the damaged piping, appurtenances and equipment, to include meters or other equipment owned by the Water and Wastewater Utility. Thawing shall be accomplished only by a licensed plumber using methods approved by the Water and Wastewater Utility. 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.

RULE XIX: FIRE HYDRANTS

Fire hydrants, except those on private fire protection lines and mains, are the property of the Water and Wastewater Utility which shall have the responsibility for their maintenance and repair.

RULE XX: 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 Water and Wastewater Utility. The application shall be submitted to the Director of Public Works/City Engineer or the Assistant City Engineer and shall contain all pertinent information as required by the application. Requests for extension by subdividers shall also conform to the subdivision rules and regulations.
2. Approval of Extensions. All applications for extension shall 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 Wastewater Utility mains shall be discretionary and based on the merits of each case.
3. Construction. An engineering report, along with necessary plans and specifications for the extension, shall 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(4), MCA, and the rules of the Department. All construction and materials shall conform to applicable City standards. A preconstruction conference shall 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 shall 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 City Engineer.

No water or sewer main shall be installed under any building, structure or wall, unless otherwise approved by the City Engineer. No building, structure, wall or obstruction shall 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 City Engineer.
5. Inspection and Engineer Certification. The Water and Wastewater Utility shall make necessary inspections to insure compliance with plans, specifications, and City standards. The cost of inspections shall be borne by the customer or

developer based on the estimated cost of the extension. The inspection fee shall be agreed to prior to final approval of the extension application. In addition to any inspection by the Water and Wastewater Utility the project engineer shall be required, within ninety days of completion of the extension, to submit to the Water and Wastewater Utility 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 shall 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 one year 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 Water and Wastewater Utility 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 shall be given to the customer or developer by the Director of Public Works/City Engineer or Water and Wastewater Utility Supervisor.
7. Compliance with Facility Plan. All main extensions shall conform to the City of Whitefish Water and Wastewater Facility Plan, as adopted or amended by the City Council.
8. Dead Ends. Dead ends in the distribution or collection system shall be avoided to the extent possible. If dead ends are unavoidable even on a temporary basis, the developer may, at the discretion of the Water and Wastewater Utility Supervisor, be required to provide facilities for flushing the line.
9. Cost of Extension. All costs of extension shall be borne by the customer or developer, except as specifically provided for in an Extension Agreement.
10. Extension Agreements. If deemed appropriate and necessary, the City of Whitefish may enter into an Extension Agreement with a customer or developer. Extension agreements shall be in accordance with policies established by the City Council.

RULE XXI: BILLING

1. Billing Periods. Meters for all customers shall be read at monthly or other regular intervals, except specific customers having other periods of reading due to unusual circumstances. The date of the month for reading any meter shall be as close as practical to the same date of the previous reading. The billing shall 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. In the case of leased property, all billing shall be sent to the tenant and property owner, unless the property owner agrees to be billed directly.

2. Billing Information. Bills shall show the 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 shall be overdue.
3. Multiple Unit Billing. In all cases where more than one unit, dwelling, commercial enterprise, or the like, as provided for in Rule XII(8) "Metering of Multiple Unit Dwelling", is served through a common meter, one bill only shall be rendered for payment of water or sewer service. The bill shall be payable by the owner or association of owners. Failure to make payment shall subject the entire service to discontinuance as provided for in Rule XVI. No provision shall be made for empty units unless the service to the unit is controlled by an approved curb stop and curb box and the Water Utility maintains absolute control of the turning off and on of the unit and the Water Utility has turned the water off at the request of the customer.
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 shall notify the Water and Wastewater Utility 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 shall 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 shall be forfeited to the Water and Wastewater Utility. If the meter is found to be recording incorrectly (over two percent of true recording) against the customer the Water Utility shall 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. Error in Billing. If an error in billing or meter reading has been made, the Water and Wastewater Utility may recover any undercharge or must refund any over-collection for the previous six months, as applicable.
6. Dead Meters. If a meter is found not to register for any period, the Water Utility shall compute the water used as follows:
 - a. For customers who have been served for over one year: the amount billed shall be based on the same consumption as that for the same period the previous year.
 - b. For customers who have been served for less than one year: the amount billed shall 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.

7. Partial Payments. Partial payment of utility bills shall be divided among all utility charges owed to the City of Whitefish.
8. Deposits. Before water will be furnished to a new consumer a cash deposit shall be required. The Water and Wastewater Utility shall collect a deposit of one hundred fifty dollars (\$150) for garbage, water and sewer service. The deposit will be refundable upon termination of service and collection of final payment in full. Any customer moving to, and applying for service at another location within the City's service area will be required to submit a new deposit even if they have had their deposit returned at their most previous residence. No interest shall accrue to deposits held by the City. "Res. No. 03-32"

The deposit will be deposited with the City Treasurer who will issue a receipt to the customer submitting the deposit. The deposit shall be held as security for payment for water and sewer service provided the consumer. When any consumer moves from the City or discontinues taking water from the City, they shall give notice to the Utility Clerk who shall request a final meter reading. Upon obtaining a final meter reading, the consumer's deposit shall be returned, less the amount required to pay the final bill.

Nothing in this section shall be construed as waiving any lien created by statute for delinquent and unpaid charges for water or sewer service.

9. Vicious Animals. In the event the meter reader 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 shall report the incident on the meter record book and the customer's water consumption shall be estimated sufficiently high to assure adequate payment for the water consumed.

At the discretion of the Water and Wastewater Utility the Remote Meter shall be relocated to accommodate the meter reader, or the customer shall be given the opportunity to arrange for performing his own meter reading.

RULE XXII: PAYMENT OF BILLS

Bills are due and payable in full upon receipt. A bill not paid within twenty days of the billing date is considered delinquent and service may be discontinued in accordance with Rule XV unless a suitable payment schedule is made in writing between the City and the property owner; provided, however, that no outstanding balance shall be permitted to exceed the amount of the deposit.

RULE XXIII: PRIVATE MAINS

1. Except as provided in subsection 2, below, the City shall have no obligation to maintain, test, repair or replace private mains, and the City shall not be liable or responsible for any damage caused by water leaking from a private main.
2. The Whitefish Public Works Department (PWD) will provide labor, equipment and materials to assist in the repair of private water mains connected to the Whitefish water system under the following terms. A water main is defined as a water pipe serving more than one building or customer. The private water mains in question are indicated on a map on file at the PWD.

The PWD will provide up to eight (8) hours of field assistance per year, up to a total market value of two thousand dollars (\$2,000.00) for labor, equipment, materials, and incidental expenses. Assistance will be available for one (1) repair incident during each calendar year. The work will be performed during a single day. The work will be performed during regular working hours, unless the Public Works Director determines as emergency exists.

The PWD will replace no more than one (1) valve and/or ten (10) feet of pipe and install no more than two (2) repair clamps for each incident. The PWD will work only on water mains located in the public right of way or in an acceptable private right of way or easement that provides adequate space and legal authority for City crews to enter and work on the site.

The Public Works Director may decline to perform repairs that expose the City to exceptional liabilities or unusually challenging circumstances, as determined by the Director.

3. 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.
4. If in the judgment of the Water and Wastewater Utility Supervisor a private main has become hazardous, or is leaking at an unacceptable rate, or could damage or cause harmful effects to the Water and Wastewater Utilities system, to customers, or to neighboring property owners or residents, the Supervisor shall give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Supervisor shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Supervisor determines that it is not feasible or practical to remediate the private main, the Supervisor shall give reasonable notice to such customers of the need to install a new main, or connect to an existing main, in the discretion of the Supervisor. The Supervisor shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The Supervisor may, in his discretion, grant extensions of time. 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 shall be sufficient cause for discontinuance of service.

RULE XXIV: LATECOMER FEES

1. If the City has become 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 shall provide reasonable notice to such customer of the need to pay such fee. The City may require that the fee be paid in a single lump sum or may, upon request, allow the payment to be in installments, or otherwise secured. If such customer fails or refuses to pay such fee when required, or if the customer defaults in the payment of any installment, or otherwise breaches any written payment agreement with the City, it shall be sufficient cause for discontinuance of service.

Private Mains (Private water lines serving multiple customers)

AREA	Rd. Frnt.	# Cust.	* \$\$\$	In City	Corresp. On File	Sch. for Improvement
1 Houston Point	4,600	65	\$572.33	*	C/LR	
2 Bay Point HOA	1,600	20	\$176.10	*	C/LR	*
3 Mountain Mall	1,500	5	\$187.50	*	C/LR	
4 East Lakeshore/Lacy	1,000	3	\$26.42	*	C/LR	*
5 Railway (roundhouse)	1,000	2	\$17.61	*	C/LR	
6 Texas/Colorado	320	3	\$26.42	*	LR	*
7 Texas/Denver	1,175	5	\$44.03	*	C/LR	
8 Sandbagger Lane	750	7	\$61.64	*	LR	
9 Oregon (Towers Add)	750	4	\$35.22	*	C	
10 Pack Rat/Glenwood	200	3	\$26.42	*		
11 Lakeside Blvd	480	4	\$35.22	*		
12 Patton/Lake Park	900	6	\$54.45		C/LR	*
13 Armory Rd. (Barnes)	550	4	\$36.30		C	
14 Nelson Lane	800	3	\$26.42	*		
15 Hwy. 93N	675	3	\$27.23		C/LR	*
16 East Texas/Edgewood	3,550	5	\$45.38		C/LR	
17 Park Knoll	1,100	13	\$117.98		C	
18 Ramsey	525	5	\$45.38	*	C/LR	
19 Larch	450	2	\$18.15	*		
20 Karrow South of 7th	2,650	9	\$81.68			
21 South Karrow WUA	2,800	11	\$99.83		A/C/LR	
22 Karrow North (1st St.)	200	2	\$17.61	*		
23 Park Hill/3rd St.	1,275	13	\$114.47	*	C/LR	
24 Murray	450	3	\$26.42	*		*
25 O'Brien South	1,450	6	\$52.83	*	C/LR	
26 River Bend	100	8	\$70.44	*	C/LR	
27 Riverside Add.	400	2	\$17.61	*	C	
28 West 5th	450	3	\$26.42	*	C/LR	
29 West 6th	325	2	\$17.61	*	C	
30 West 7th	0	3	\$26.42	*	C	
31 West 8th	650	5	\$44.03	*		
32 West 9th	1,050	7	\$61.64	*		
32 # Private Mains	33,725	236	\$2,237.12	25		

Main \$/ft. \$50
 Service Connection \$/ea. \$950 (31 Services would require extra work to reroute)

Total Cost Estimate \$1,960,050

Investment Return (years) 876

* \$\$\$ Estimated annual revenue from distribution element of rate

- C Correspondence on file about private nature of main.
- LR Leak repair or recent improvement by owner(s).
- A Agreement on file

