

ORDINANCE NO. 118
Revision 06-12-2017

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF SHERIDAN, MONTANA, ESTABLISHING A
WATER AND SEWER SYSTEM, PROVIDING FOR THE
OPERATION AND REGULATION THEREOF,
ESTABLISHING THE RATES TO BE CHARGED FOR
SYSTEM USE AND PROVIDING A PENALTY FOR
VIOLATION.**

WHEREAS, pursuant to Section 69-7-101, M.C.A., the Town of Sheridan has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by municipal utility systems. Rates, charges, and classifications must be reasonable and just, and

WHEREAS, the ordinance regulating the use of water in the Town of Sheridan requires updating and renumbering to be consistent with, and accurately reflect, current practices benefiting current water users and to provide definitions necessary to facilitate comprehension and implementation of said water use ordinance, and

WHEREAS, the Town of Sheridan operates the water and sewer systems for the jurisdiction, and it is necessary to charge fees in order to pay the costs associated with the water and sewer system operation, maintenance, improvement, and replacement.

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Sheridan, Montana that:

Section 1. Definitions: The following words and phrases, when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this ordinance.

- (1) "Base Rate" means the minimum rate charged to each user per EDU for water and sewer service.
- (2) "Connection" means the procedure in which a service line is connected to the main water and sewer lines.
- (3) "Delinquent Turn-off/Turn-on Fee" means a fee based on three times the base rate.
- (4) "Disinfect" means to clean, especially with a chemical, in order to destroy bacteria.

(5) "EDU" means Equivalent Dwelling Unit and is established by water service line size as follows:

Service Line Size (inches)	EDU Multiplier
0.75	1.00
1.00	1.79
1.25	2.78
1.50	4.00
2.0	7.14
3.0	16.00
4.0	28.57

(6) "Infrastructure Buy-in Fee" means the initial cost due to the Town from the user for providing water and sewer utilities to the user's property that reflects a portion of the current audited value (one tenth of one percent) of the entire water and sewer systems.

(7) "Main Water Line" shall mean the primary water line to which the service lines are connected.

(8) "Main Sewer Line" shall mean the primary sewer line to which the service lines are connected.

(9) "Multi-user" shall mean properties where water is supplied through one service line to multiple units, buildings, dwellings, or structures.

(10) "Non-conforming" shall mean properties with a water and/or sewer system connection which supplies more than one unit, house, building, dwelling, or structure from a single water and/or sewer service line (i.e., a multi-user), AND/OR a unit, house, building, dwelling, or structure that currently has a domestic water well and/or septic system.

(11) "Service Line" shall mean the water line which carries water from the main line to the user premises or the sewer line which carries sewage from the user premises to the main.

(12) "Shut-off" shall mean the valve placed at the property line or curb line will be closed which effectively shuts off the water service going to a user's premises.

(13) "Sprinkling" shall mean the watering of any outside garden or lawn by means of sprinklers or other devices.

(14) "User" shall mean any property owner supplied by the Town water and/or sewer system

(15) "Water Meter Pit" means the vessel located at the property line containing the water meter that also defines the boundary of responsibilities for water service between the Town and the user.

Section 2. The Town of Sheridan has a Public Works Department that provides for the maintenance and operation of the municipal water and sewer systems.

Section 3. The water and sewer system for the Town is designated as the Sheridan Municipal Water and Sewer Systems.

Section 4. The Mayor shall appoint, with consent of the Town Council, a person who shall be designated the Public Works Director, whose duties it shall be to have charge of the operation and maintenance of the said systems under direction of the Mayor;

Section 5. It is the duty of the Clerk/Treasurer, under the direction of the Mayor, to collect all water and sewer fees when due and payable and to keep correct and true the book of accounts showing a true and complete status of each individual user's account. It shall be the duty of the Clerk/Treasurer to have charge of the clerical work of the Public Works Department. The Clerk/Treasurer shall prepare and forward bills of water and sewer fees due to all users, along with other notices that may from time to time be required in the interest of the Water and Sewer Systems.

Section 6. The Clerk/Treasurer shall deposit and keep such fees so received in funds to be known as the Water Enterprise Fund and Sewer Enterprise Fund, and such funds shall be kept entirely separate and apart from all other funds of the Town, and no money shall be paid out of the same except upon warrants or checks duly and regularly approved by the Mayor and Town Council.

Section 7. There shall be an accounting entity kept by the Clerk/Treasurer and designated the Water Enterprise Fund and all receipts arising from the collection of water fees, or any appropriation made by the Town Council for the purpose of maintenance, construction, or extension of the water works shall be recorded in this fund.

Section 8. There shall be an accounting entity kept by the Clerk/Treasurer and designated the Sewer Enterprise Fund and all receipts arising from the collection of sewer fees, or the sale of such property or material connected with the management or operation of the sewer works, or any appropriation made by the Town Council for the purpose of maintenance, construction, or extension of the sewer shall be recorded in this fund.

Section 9. The Rules and Regulations governing the use and operation of the Town Water and Sewer Systems are as follows.

(1) The Town of Sheridan has jurisdiction over the Sheridan Water and Sewer Systems, including the intake, pipeline, reservoir, conduits, rights of way and appurtenances. Any person found guilty of trespassing thereon, with the intent to deface or defraud, or any tampering or interfering with any of the appliance, fixture, valves or property, or any person found guilty of interfering with the water supply shall, upon conviction thereof, be fined a sum not exceeding \$500 or punishment by imprisonment not exceeding thirty (30) days, or both fine and imprisonment, and shall be liable for damages in an amount equal to the loss occasioned the Town, together with the costs in any legal action including attorney's fees, in addition to the fine and imprisonment.

(2) Any person tapping the mains, or opening and closing any valves, or opening or closing any fire hydrant, or opening any sewer manhole, without the authority from the Town to do so, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed \$500.

(3) The rules, regulations, and water and sewer rates of this ordinance shall be considered a part of the contract with each user supplied water and sewer service. The Town of Sheridan and such user of the service shall be considered to express their consent to be bound by these rules and regulations. When in violation, the service shall be shut off to the user, and shall not again be turned on, except by the order of the Mayor and/or upon payment of the sum of past due amounts and, potentially, the delinquent turn-off/turn-on fee.

(4) Owners of property served by the town water and sewer system shall be held liable for all water and sewer service charges. All bills will be in the property owner's name. Payments will be accepted from the tenants, but that will not relieve the owner from liability if the tenant becomes delinquent.

(5) Water users are charged a base rate plus gallons used as the basis for their water service. The water fees for each user shall be the base rate times the applicable EDU, plus a minimum rate per each 1,000 gallons consumed per month.

(a) The base rate is the minimum charge and this charge will continue even though service is turned off.

(b) Each user of a multi-user service line will be charged the water and sewer base rate. The property owner will determine the distribution of the water usage charges. If one of the multi-users discontinues service, then the charges will remain unchanged.

(c) A fee of \$20 per trip by Public Works employees may be charged to turn-off or turn-on water service for user convenience.

(6) Sewer fees are based on a base rate times the applicable EDU plus a minimum usage rate based on the average monthly water use from the previous six month period of October through March. The usage rate is recalculated at the end of each fiscal year (June 30) and applied at the start of each fiscal year (July 1). If the water service is unmetered, sewer fees will be based on the base rate plus an assumed usage of 4,000 gallons of water per month. If there is no water usage in the six months October through March, a minimum usage fee of \$2.00 will be charged each month.

(7) The process for installing a new service line or to upgrade or change the existing service line size is established by the following method:

- (a) Only Town personnel or an authorized agent can excavate to the water main and perform the connection to the water main.
- (b) All service line repairs or replacements must be disinfected prior to connection to the town water supply.
- (c) If frost is present, then additional costs for excavating the frost will be charged for the new service or upgraded service. The Town reserves the right to delay excavation until frost is no longer present.
- (d) A fee shall be charged to the user for sampling water from an individual service line at the request of the user. If it is found that sampling results show contamination, and if that contamination is found within the Town's water mains, the Town will incur the costs of analysis. If contamination is in the owner's service line, then the owner will take the necessary steps to rectify the situation.
- (e) The Town will tap the water main and furnish the necessary material and labor for tapping the water main. All expense of laying and maintaining the service line from the water meter pit to the user's premises must be borne by the consumer. All expense of laying and maintaining the sewer service line, including tapping the main, will be borne by the user. The service line must be laid below street grade and on the user's premises, at a standard depth, designated by the Town, to prevent freezing.
- (f) New connections to the water and sewer system will be required to pay an infrastructure buy-in fee.

(8) Should a user desire to discontinue the use of the water and sewer system permanently, the Town is to be notified by them in writing at the time the service is no longer needed. The base rates will be discontinued upon the next billing cycle at such time when the Public Works Director terminates the service. Reconnection to the Town system will be considered a new service subject to the current Infrastructure Buy-In fees.

(9) All users whose accounts are three billing cycles past due will be served with a shut-off notice. Payment in full must be received by the due date of the notice. If payment is not received by the due date of the shut-off notice, the service will

be suspended by order of the Town Council. A lien may be levied against the property if not paid in full.

(10) The Town reserves the right to charge a late fee of \$5.00 per billing cycle.

(11) The Town reserves the right to levy a Delinquent Turn-off/Turn-on Fee for turning on water that was previously turned off for non-payment.

(12) No person shall use any water for irrigation or sprinkling during the progress of any fire in the Town, and all irrigation or sprinkling shall be immediately stopped when the fire alarm is sounded and shall not be activated again until the fire has been extinguished.

(13) The Town reserves the right at any time, without notice, to shut off the water in the mains for the purpose of making repairs or extensions or for any other purpose. The Public Works Department shall have access at all reasonable times to all parts or any buildings or premises for the purpose of inspecting the size and condition of the pipes and fixtures and the manner in which the water is used, and inspection of cross-connections and sump pump discharge.

(14) All persons connected to the Town water and/or sewer system shall keep their own service lines and household plumbing in good repairs and protected from frost at their own risk and expense, and it is stipulated by the Town that no claims or demands shall be made by any user against the Town by reason of a broken or plugged service lines on the user's property.

(15) A Town Permit (Ordinance No. 121) shall be obtained prior to making any excavation in the public right-of-way for purposes of installing or repairing any water or sewer service lines. After service lines have been laid, the backfill must be laid in layers of not more than nine (9) inches in depth, and each layer compacted to prevent further settlement.

(a) No opening of the streets for the tapping of mains will be permitted when the ground is frozen, without written permission of the Public Works Director and/or the Town Council.

(b) All excavation done in the Town of Sheridan right-of-ways must be completed by a licensed and bonded contractor approved by the Town Council.

(16) The water shall not be turned on to any house or service line except by written permit (Ordinance No. 121) of the Public Works Director, and then not until the applicant has fully complied with every requirement contained in the permit and in this ordinance. Plumbers are strictly forbidden from turning water into any service line, except by order or permission in writing from the Public Works Director, but this rule shall not be construed to prohibit plumbers from turning water into pipes for the purpose of testing them, and for that purpose only.

Non-adherence to this policy shall be considered a violation, subject to a fine of \$100.00 and/or disqualification to do work in the Town.

(17) Sprinkling hours by users of the Town of Sheridan water supply shall be set by the Town and subject to change as the Town Council deems necessary.

(18) Every person desiring a connection to the water and/or sewer main must make application to the Public Works Director upon a Town Permit form furnished by the Public Works Department for that purpose.

(19) Non-conforming properties that transfer ownership must connect to the Town water and/or sewer system at their own expense at the time of the transfer.

(20) All persons taking water shall keep their service lines and apparatus in good repair, and protected from frost at their own expense and risk, and it is stipulated by the Town of Sheridan that no claims or demands shall be made by the user against it by reason of the breaking of any service line or service cock, or if the supply of water shall fail, or from any damage arising from the shutting off of water.

(21) Any material installed in service lines, on Town property shall be of the style, type and kind approved by the Public Works Director and must be installed under direction of the Public Works Director and approved by him.

(22) No water well shall be drilled or developed within the Town limits. In no case shall any existing well be connected directly or indirectly in any manner whatsoever to the Town water system.

(23) The Town of Sheridan's water system is known to have significant pressure spikes at times. It is recommended to the property owners to take such precautions to prevent damage from high water pressure issues. The installation of a pressure reduction device is recommended. The Town is not responsible for damages.

(24) Property owners with wintertime water or sewer leaks and/or unusually high meter readings will be required to appear before the Town Council to discuss possible needed repairs which are to be performed in a time frame determined by the Town Council.

(25) Any situations that arise outside of the parameters of this Ordinance #118 must be presented to the Town Council in person for consideration of action.

(26) The following requirements apply to new construction of residential units, houses, buildings, dwellings, or structures:

Building Type with Water/Sewer Service	# of Meters	Service Line Size	# of Water/Sewer Base Rates
Single Family Home with Attached Garage	1	3/4"	1
Single Family Home with Detached Garage	1	3/4"	2
Duplex	1	1"	2 *
Triplex	1	1.25"	3 *
Fourplex	1	1.5"	4 *
Townhouses (2)	2	3/4"	2
Townhouses (3)	3	3/4"	3

* The base rate for water and sewer is calculated by multiplying the applicable EDU times the standard base rate and dividing by the number of units (i.e., 2, 3, or 4).

(27) Each existing property that is non-conforming due to a multi-user configuration shall pay a separate base rate for both water and sewer based on the corresponding number of units, buildings, dwellings, or structures using the single water or sewer main tap. This requirement is applicable if the location of the secondary water and/or sewer uses are in residential units, houses, buildings, dwellings, or structures used as a permanent or semi-permanent resident and/or from which an income is generated by the property owner.

Repealer

Section 10. All resolutions, ordinances and sections of the Sheridan Municipal Code and parts thereof in conflict herewith are hereby repealed.

Severability

Section 11. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Effective Date

Section 12. This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

References:

69-7-101, M.C.A.

1ST READING PASSED AND ADOPTED by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 15th day of May, 2017.

Robert Stump, Mayor

ATTEST:

Ginger Galiger, Town Clerk

PASSED, ADOPTED. AND FINAL APPROVAL by the Town Council of the Town of Sheridan, Montana at a regular session thereof held on the 12th day of June 2017.

Robert Stump, Mayor

ATTEST:

Ginger Galiger, Town Clerk