

**SUN PRAIRIE VILLAGE
COUNTY WATER AND SEWER DISTRICT**

**ORDINANCE NO. 91-1
WATER SERVICE CHARGES**

An ordinance establishing the procedures for determining equitable service charges to be levied on all users of the potable water system operated by Sun Prairie Village County Water and Sewer District in the Sun Prairie Village, County of Cascade, State of Montana.

Be it ordained and enacted by the Board of Directors of the Sun Prairie Village County Water and Sewer District, State of Montana as follows:

ARTICLE I

Purpose

Sec. 1. The purpose of this ordinance is to generate sufficient revenue to pay all costs of the operation and debt service of the complete water system. The costs shall be distributed to all property owners whose property are connected to the water system.

ARTICLE II

Determining the Total Annual Cost of the Facilities

Sec. 1. The Sun Prairie Village County Water and Sewer District, or its Engineer, shall determine the annual cost of operating the potable water system and maintaining its capacity and performance, during the service life of the water production, treatment and distribution works, for which such works were designed and constructed. The total annual cost will include but not be limited to, labor, repairs, equipment replacement, maintenance, modifications, power, sampling, laboratory tests, bond debt service and a reasonable contingency fund. Debt service cost including principal, interest, reserves, and coverage shall be as specified in applicable bond resolutions.

Sec. 2. A reserve fund called the Replacement and Depreciation Account - Water shall be established within the Water Utility Fund, as prescribed in lthe bond purchase agreement for Water Development Loan WDL-93-3173, for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances, during the useful life of the potable water facilities, necessary to maintain the capacity and performance for which such facilities are designed and constructed. The reserve fund will be an interest bearing account and will be funded from the bond coverage.

ARTICLE III

Determining Service Charge

Sec. 1. Based upon the determination of the total annual cost of the facilities, the Board of Directors for the District will determine the service charges for each lot within the District for each ensuing calendar year. In determining charges for each lot, the Board may differentiate among an occupied lot (a developed lot for which an application and agreement for water and sewer services has been signed and submitted to the District and for which the owner has not requested the District to shut off water service), a developed lot (lot within the district whose water lines have been connected to the District's water main at the curb stop serving the address or where the owner has paid or is paying required connection, turnon and bond debt opportunity fees) and an undeveloped lot (lot that is not a developed lot).

Sec. 2. The water use charges shall be levied against the property being supplied and the owner thereof. If for any cause any sums owing become delinquent, the water will be shut off to the

property and in no event turned on again until all such delinquencies have been paid in full. No change of ownership shall effect the application of this section.

- Sec. 3. **ACCOUNT IN NAME OF PROPERTY OWNER:** All accounts for water will be kept in the name of the property owner and not in the name of any tenant who is not the property owner. The property owner only, or his legally authorized agent, shall be held responsible for all water service charges levied thereon.

ARTICLE IV

Application for Water Use and Connection to the System

- Sec. 1. All applications for the use of water must be made at the office of the District on the form prescribed for that purpose. Application must be made by the owner of the property to be served or his authorized agent and must include the purposes for which the water is required. The applicant must agree to conform to all rules, regulations, policies and ordinances of the District regarding water use.
- Sec. 2. Owner(s) of property within the boundary of the District shall grant to the District as security, for the District providing water to Owner(s) lot(s) a contractual lien right. The lien hereby granted against each of the Owner(s) lot(s) shall be in the amount of the fees and charges with respect to each lot, together with interest thereon at the rate of _____% per annum from the date or dates the fees and charges are first due. Should Owner(s) fail to make payment for services received and after reasonable effort on the part of the District to collect, the District may perfect the lien provided herein by filing a Notice of Lien on any or all of said lots. In an action to foreclose any such lien, the District shall be entitled to recover its reasonable attorney fees and costs incurred in establishing and foreclosing its lien. The lien against the subject lots shall secure such attorney fees and costs in addition to all other fees, charges and interest that may be payable by Owner(s). The lien granted herein by this section may be foreclosed in the manner provided for the foreclosure of construction liens under the laws of the State of Montana.
- Sec. 3. A prospective consumer of water service may make an application for water service, procure a permit to connect to the District's water main, provide any necessary easements and paying the cost of installation as provided in this Code. Charges for water for such consumer shall be made on the basis of then existing rates.
- Sec. 4. All platted properties in the District are currently tapped in to the mains with either 3/4 or 1 inch corporations. Any property owner desiring to make connection to the water mains of the District must make application in writing. A property owner desiring to tap into mains of the District for a pipe larger than 1 inch must pay for all costs associated with tapping into the main and must pay in advance the following extension fees

<u>Size of Pipe Tapping into District Main</u>	<u>Extension Fee</u>
3/4 to 1 inch	\$ 50.00
1 1/2 to 2 inch	75.00
Larger than 2 inch	150.00

- Sec. 5. The District reserves the right to approve the contractor/plumber tapping into the District's water mains. The corporation and curb box of such tap must be inspected by the District's agent and approved before any trench is covered. All extension fees described herein are subject to change at the discretion of the Board of Directors.

ARTICLE V

Payment of Service Charges

- Sec. 1. The District shall submit a monthly statement to the owner for the water service charges. The payments shall be due on the tenth day of the month for which the services is billed. Payments shall be made within thirty-days of the due date.
- Sec. 2. The District shall keep a complete set of account books of the District's accounts receivables and said books shall be open to inspection at all times by the public or any officer of the District during normal business hours.

ARTICLE VI

Ordinance Violations

- Sec. 1 Enforcement action for violation of this ordinance shall be taken as described in Ordinance 1-93, Enforcement Action and Grievance Procedure
- Sec. 2. Enforcement action for violation of this ordinance may include imposition of fines, termination of water and/or wastewater service, imposition of disconnect and reconnect charges and a requirement that any delinquent payments be made prior to resumption of service in the case where water and/or wastewater service has been terminated, or as provided in Section 1, Article V, Enforcement Action of the Enforcement and Grievance Procedure Ordinance. of the rules and regulations established as a condition to the use of water, or to pay the water user charges, or any charge or penalty imposed, in the time and manner herein provided, the water may be shut off until payment is made. An additional \$30.00 fee to defray the expense of turning the water on and off will be levied against the property owner. Said fee may be subject to change without notice, at the discretion of the Board of Directors.
- Sec. 4. Whenever the water bill of a consumer has been delinquent for thirty (30) days in any sum or amount, the District may notify him/her by such means and at such address as seems most likely to give actual notice of the fact of such delinquency and advise him/her that unless the delinquent bill is paid in full within ten (10) days of mailing the notice, water service will be discontinued forthwith. In the absence of the use of any other reasonable means of notice, regular mail, deposited in the United States mail, postage prepaid, addressed to the consumer at the address where he receives water service, shall be deemed reasonable notice and shall be deemed to have been received no later than 7 days from the date of mailing.
- Sec. 5 On and after the effective date of this Section, any changes or alteration in the water user charges and charges set by the District or method of setting charges will be established by resolution passed by the Board of Directors of Sun Prairie Village County Water and Sewer District.

ARTICLE VII

Notification

- Sec. 1 Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to water production, treatment, and distribution services.
 - Sec. 2 (1) The District will not contract with renters for water service. The District shall contract only with the owner of such rental property. The property owner shall be responsible for all charges incurred by said rental property.
- Sec. 3. Property owners may request termination of services for repair, during extended absences,

etc. For extended periods where services are off, the District will prorate usage charges. If a property owner, renter or lessee continues residence at a property where water services have been terminated for non-payment of rates, sewer user rates shall be charged in as much as some use of the sewers are in effect.

Sec 4. If a property owner who is a landlord requests that the water service be terminated to cause his or her renter to either vacate the property or pay back rents, he or she shall provide the District such request in written form and shall give, in writing, advance notice of such intent to terminate service to the renter. The property owner shall provide the District with a copy of the notice of intent to terminate sent to his or her renter.

ARTICLE V

Validity

- Sec. 1. All ordinances or parts of ordinances in conflict with the ordinances contained herein are repealed.
- Sec. 2. The invalidation of any article , section, clause, sentence or provision of these ordinances shall not affect the validity of any other part of this ordinance which can be given without such invalid part or parts.

ARTICLE VI

Ordinance in Force

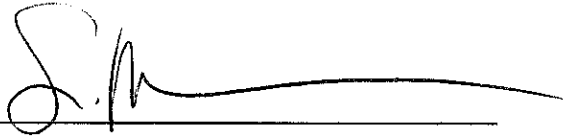
- Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- Sec. 2 Passed and adopted by the Board of Directors of the Sun Prairie Village County Water and Sewer District, State of Montana on the 14 day of December, by the following vote:

Ayes : Namely [Signature]
: Namely [Signature]
: Namely [Signature]
: Namely [Signature]
: Namely _____
Nays: Namely _____
: Namely _____
: Namely _____

Approved this 14 day of December, 2006.

(Signed) [Signature]
President

Attest:
(Signed)

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a series of loops and a long horizontal stroke extending to the right.

Secretary

History: Ordinance 91-1, Enacted March 19, 1991; Amendment 1, Enacted April 13, 1993, Amendment 2, Enacted March 14, 1995, Consolidated and Amendment 3, Enacted by Resolution _____, _____, 2006.

ARTICLE VI

Ordinance in Force

Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Revised, passed and adopted by the Board of Directors of the Sun Prairie Village County Water and Sewer District, State of Montana on the 13th day of January 2009 by the following vote:

PASSED on the first reading this 18 day of December ^{2008th} ~~2006~~, by the Board of Directors of the Sun Prairie Village County Water and Sewer District.

Floris Dyke
Director

[Signature]
Director

Director

Attest

Janet L. Horne
Secretary to the Board of Directors

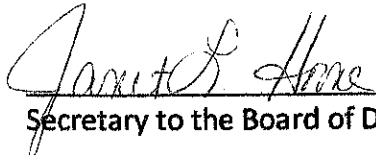
⁴⁰ ~~2006~~ PASSED on the second and final reading this 13th day of January ²⁰⁰⁹

Floris Dyke
Director

[Signature]
Director

Director

Attest


Secretary to the Board of Directors

(seal)