

~~Repealed by~~
~~Repealed By Council~~
11 1/22/96

ADMINISTRATIVE ORDER 39

Under the authority granted to the City by MCA 69-7-201, and under the authority granted to the City Administrator by BMCC 26-101, the Rules and Regulations Governing Water and Wastewater Service for Billings, Montana, are hereby amended as follows:

- Section 6-3 has been changed to allow an agent of the property owner to establish water/wastewater service accounts with the department as well as the property owner. (See attached Section 6-3, as amended.)

- Section 6-8 regarding discontinuance of service has been change to make it consistent with the changes made to Section 6-3. (See attached Section 6-8, as amended.)

- Section 8-6 regarding landlord agreements has been changed to make it consistent with the changes made to Section 6-3. (See attached Section 8-6, as amended.)

- Section 14-2 regarding discontinuance of service for nonpayment of utility bills has been changed to make it consistent with state law (MCA 7-13-4305 & 7-13-4306) and the Council's recently adopted Wastewater Rate Adjustment Resolution (Resolution 95-16945). (See attached Section 14-2, as amended.)

- Section 16-14 was added to implement the new late-payment interest charge adopted by the City Council under Resolution 95-16945. (See attached Section 16-14, as amended.)

- Section 34-20 regarding connections to public water mains was changed to make it consistent with the state's adopted uniform construction standards for the installation of water service lines. (See attached Section 34-20, as amended.)

- Section 44-1 regarding annual reports was changed to reflect recent legislative changes which no longer require municipal utilities to submit annual reports to the PSC. (See attached Section 44-1, as amended.)

The amendments adopted herein shall take effect July 1, 1995.

Dated this 30 day of June, 1995.



Mark Watson, City Administrator

CHAPTER 6 - INITIATION AND DISCONTINUANCE OF SERVICE

6-1. WRITTEN SERVICE APPLICATIONS REQUIRED

A person requesting to establish an account for municipal water/wastewater service with the utility shall make written application for such service with the utility on forms furnished by the utility for this purpose. After approval by the utility, the application to establish an account for water/wastewater service shall constitute the service agreement or contract between the customer and the utility.

6-2. SERVICE APPLICATION PROVISIONS

An application to establish an account for municipal water/wastewater service shall contain a provision wherein the applicant agrees to pay to the utility all charges for service provided by the utility to the applicant. In addition, it shall contain a provision wherein the applicant agrees to abide by all the city's regulations governing municipal water/wastewater service, including the rules and regulations contained herein.

6-3. SERVICE APPLICANTS

A person requesting to establish an account for municipal water/wastewater service shall be the owner of the property to be served or the owner's agent. In addition, the service application shall include the name and mailing address of the owner of the property involved if such address is different than the service address. It shall be the responsibility of the property owner to maintain on file with the utility the owner's current mailing address.

6-4. INFORMATION TO BE PROVIDED

A person requesting to establish an account for municipal water/wastewater service shall, upon request by the utility, furnish proper identification, information regarding the service address, and documentation of ownership of the property to be served. In the event this information, or any other information required to be submitted under these rules and regulations, is not furnished, service to the applicant or service address involved shall be denied or discontinued until such information is provided. In addition, prior to restoring any service, the applicant must first pay to utility any applicable charges for discontinuance and reestablishment of service.

6-8. DISCONTINUANCE OF SERVICE BY UTILITY

The utility may discontinue municipal water wastewater service to any customer/user as provided below or as may be provided elsewhere herein these rules and regulations:

(1) Without Notice.

- (a) In the event of any condition determined to be hazardous to property and/or persons.
- (b) In the event a customer/user uses equipment in such a manner that adversely affects the municipal water supply system/municipal wastewater system or that adversely affects municipal water/wastewater service to other customers/users.
- (c) In the event of any unauthorized use or diversion of municipal water/wastewater service or when any evidence of tampering with or bypassing of the municipal water meter is found.
- (d) Upon written receipt of orders from government authority to discontinue municipal water/wastewater service.

(2) Upon Not Less Than 24 Hours Notice.

- (a) For violation and/or non-compliance with any applicable federal, state, or local laws, and rules and regulations contained herein.
- (b) For failure of a customer to permit representatives of the utility reasonable access to the customer's premise for the purposes set forth in Section 4-9.
- (c) For failure of a customer to fulfill his contractual obligations for service.

(3) Upon 10 Days Written Notice

- (a) For failure of a customer to keep his or her water service line, meter box/vault, fixtures, and/or any other appurtenances in good repair and in a safe and operable condition.

- (b) For failure of a user to keep his or her building sewer and appurtenances in good repair and in a safe and operable condition.

Whenever service is discontinued under this section, or any other section contained in these rules and regulations, the provisions of Section 4-5 regarding noncompliance shall apply. Further, for the purposes set forth under this section, or any other section contained in these rules and regulations, written notice shall be deemed to have been given by the utility when such notice is mailed first class to the name and address of the owner of the property in question currently on file with the utility as required under the provisions of Section 6-3.

8-6. LANDLORD AGREEMENT

The owner of rental property may enter into a landlord agreement with the utility wherein the landlord agrees to be responsible for the payment of the charges for municipal water/wastewater service to be provided to a landlord's property in between tenants and wherein the utility agrees to provide municipal water/wastewater service in the landlord's name at that particular address. Only landlord's having on file with the utility an application for establishment of a municipal water/wastewater account as required under Section 6-1 shall qualify for entering into such a landlord agreement with the utility. Further, the landlord shall pay to the utility a turn-on fee at the time such agreement is first entered into with the utility. Thereafter, the landlord shall not be required to pay said fee when tenants vacate the property in question.

CHAPTER 14 - BILLING

14-1. BILLING PERIOD

Except for fireline charges, the charges for municipal water and wastewater services together shall be billed at least monthly. Fireline charges will be billed annually. To meet unusual conditions, such as discontinuances, the utility may render bills for service at other than the aforementioned intervals.

14-2. BILLS DUE

All charges for municipal water/wastewater service, including fireline and miscellaneous charges, shall become due and payable when rendered. Bills shall become delinquent 30 days from the date of billing if not paid. If the bill is not paid within 40 days after it becomes delinquent, the water/wastewater service to the property involved shall be discontinued. Utility shall not reestablish such service unless utility is paid the full amount due, any interest and/or penalty on such past-due amount, any required deposit or reestablishment deposit, and any charges for discontinuance and/or reestablishment of service. Utility shall give proper notice prior to discontinuing water/wastewater service for nonpayment of utility charges.

14-3. INFORMATION ON BILLS

As a minimum, a bill for municipal water/wastewater service shall show the customer's name and mailing address, the billing date, the billing period, the customer's account number, the service address, the previous and present meter readings, the actual or estimated water usage in one-hundred cubic feet, the current and past-due charges, the previous balance, and the total amount due.

14-4. COMBINED CHARGES

All bills issued for municipal wastewater service to persons or properties which are also customers of the municipal water utility, whether within or without the city limits, shall be included as a part of the bills for water service, but separately stated as a surcharge. No payment of municipal water service charges or of municipal wastewater service charges so billed shall be accepted without payment of both such charges.

and the utility may estimate such charges and require the prospective customer to deposit an amount equal to such estimated charges with the utility prior to performing such work or service. In the event the utility has overestimated the cost of performing such work, the utility shall refund to the customer any overpayment upon completion of the work by the utility. In addition, the customer shall pay to the utility an amount equal to the difference between the estimated cost and the actual cost in the event the utility has underestimated the cost of the work performed by the utility. The charges shall be due and payable to the utility upon completion of the work performed.

16-14. LATE-PAYMENT INTEREST CHARGE

Utility shall require delinquent customers to pay a late-payment interest charge on any monthly account balances that are not paid in full before the next billing period, which is approximately 30 days. The late-payment interest charge shall be applied on the full past-due amount, including any special fees or charges.

the rights-of-way and utility easements affected by such work.

34-18. CURB VALVE

A separate and easily accessible curb valve and cast iron curb box meeting the requirements of the public utilities director shall be installed at or near the property line on each water service line, fireline, or combination thereof at the expense of the customer requesting such water service line, fireline, or combination thereof. The specific location and arrangement of the curb valve and curb box on the water service line, fireline, or combination thereof shall be as designated and approved by the public utilities director. Customers shall keep their curb valves and curb boxes in good repair and condition at all times, and failure to do so shall be just cause to discontinue water service to the property involved, as provided for under Section 6-8. Furthermore, if the customer fails to repair the curb valve or curb box after being given 30 days written notice of its disrepair, utility may repair the curb valve and curb box at the customer's expense.

34-19. POINT OF CONNECTION TO PUBLIC WATER MAIN

The point of connection of a water service line, fireline, or combination thereof with the public water main shall be determined and approved by the public utilities director prior to making such connection. In the event a water service line, fireline, or combination thereof has previously been stubbed to the property line of the property to be served, then in that case the connection shall be made to the stubbed-out water service line, fireline, or combination thereof in order to provide the required service to said property.

34-20. CONNECTIONS TO PUBLIC WATER MAINS

In any situation requiring the connection of a water service line, fireline, or combination thereof directly to a public water main that is presently in service and connected with the municipal water supply system, the tapping of the public water main shall be performed only by authorized employees of the public utilities department.

All expenses associated with the making of taps by the public utilities department to all water mains presently connected with the municipal water supply system shall be borne by the customer involved, including such water mains installed by means of special improvement districts or by private contracts to serve property located within or without the corporate city limits. Extra capacity or special taps for firelines, lawn

sprinkling systems, etc. shall also be made by the public utilities department at the customer's sole expense. Any payment to be made to the public utilities department for work performed in making a connection to the public water main shall be in accordance with the provisions of Section 16-9(13). All such other work such as, but not limited to, any traffic control and construction signing, any excavation work, any trench backfilling and compaction work, and any surface restoration work shall be performed by and at the expense of the person installing the water service line, fireline, or combination thereof, in question. The person installing a water service line, fireline, or combination thereof, shall be responsible for providing safe trench conditions for the employees of the public utilities department when making a tap to the public water main. Failure to provide safe trench conditions shall be cause for immediate refusal by the public utilities department to perform any such tapping work.

In any event, every water service line shall have an approved corporation stop or gate valve installed on the service line at or near its connection with the public water main. The corporation stop or gate valve shall be provided at the customer's expense.

34-21. INSPECTION AND TAPPING NOTIFICATION

Applicants for water service line installation permits shall notify the public utilities director 24 hours in advance of when the facilities authorized to be installed by the permit are ready for inspection and/or connection to the public water main. Upon such notification, the public utilities director shall, whenever possible, schedule the inspection and, if necessary, the tapping of the public water main, on or before the next regular working day for the city immediately following such notification. No inspections or taps will be made after regular working hours, on Saturdays, Sundays, or city holidays. Persons requesting an inspection and/or tap to the public water main shall be ready to have the inspection and/or tap at the time designated by such persons.

34-22. METERING

Metering of water service lines shall be accomplished in accordance with the provisions of Chapter 18.

34-23. DAMAGE TO PUBLIC WATER MAINS

The person installing water service lines, firelines, or combinations thereof shall cause to be immediately repaired at his expense any

CHAPTER 44 - ANNUAL REPORTS

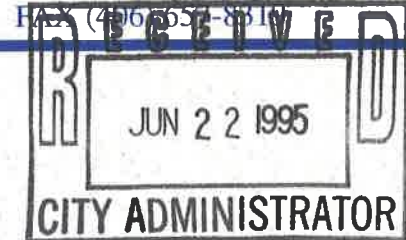
44-1. GENERAL

The utility shall file such reports with the city council and other state and federal regulatory agencies as may be required. Said reports shall be submitted to such entities on forms approved by, and furnished by, the various entities.



**BILLINGS
PUBLIC UTILITIES DEPARTMENT**

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M E M O R A N D U M

TO: Mark Watson, City Administrator
FROM: Gerald D. Underwood, P.E., Utilities Director
DATE: June 22, 1995
SUBJECT: AMENDMENTS TO WATER/WASTEWATER RULES

Attached is a draft Administrative Order adopting amendments to our Water/Wastewater Rules. Please review and approve the Administrative Order as soon as possible.

The amendments modify our rules enabling us to 1) implement current state law regarding the discontinuance of water service for nonpayment, 2) implement the wastewater rate changes recently adopted by the City Council, 3) implement recent changes in law adopted by the State Legislature regarding the filing of annual PSC reports, and 4) implement recent changes in the state's uniform construction standards for water service lines.

Please note that the adoption of this Administrative Order will modify the changes in our rules that were implemented under Administrative Order 37; thus allowing agents of property owners to establish water/wastewater accounts as well as the property owners. Additionally, it will make our rules for discontinuing water service conform with state law, as was agreed upon with the landlord groups at our last meeting.

The rest of the changes are primarily housekeeping changes.

The new wastewater rate changes take effect July 1, 1995. We plan on implementing the other rule changes on August 1, 1995.

We want to mail to our customers a bill insert prior to August 1, 1995, explaining the new wastewater rates and rule changes. Because we bill four cycles, it will take us about a month to complete this mailing. For this and other reasons, we need you to approve the Administrative Order as quickly as possible.

cc: Carl Christensen
file



Administrative Order executed MSW/6/27/95