

**RULES AND REGULATIONS  
FOR THE  
CITY OF LIBBY WATER SYSTEM**

**RULE ONE--- GENERALLY:**

The following Rules and Regulations are made a part of the contract with every individual, firm, or corporation, who taken water, and each such individual, firm, or corporation agrees in making application for water service, to be bound thereby, and in copy of the name shall be on file in the offices of City Hall and Water Division of the City of Libby for inspection and review upon request.

**RULE TWO--- AUTHORIZATION AND PURPOSE OF RULES AND REGULATIONS:**

1. The rules and regulations are intended to define good practice, which can normally be expected.
2. They are intended to ensure adequate service and to prevent unfair charges to the customer, and to protect the City of Libby Water Department from unreasonable demands.
3. The City of Libby Water Utility is governed by the policies established by the Libby City Council and administered by the City Administrator and City Engineer and is under the direct supervision of the Streets Department Supervisor.
4. These rules and regulations shall not relieve in any way the Libby Water Department from any of its duties under the laws of the State of Montana.
5. The authority requiring the establishment of the rules and regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

**RULE THREE--- DEFINITIONS:**

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

1. **"CITY ADMINISTRATOR"** means the duly appointed City Administrator of the City of Libby or any person authorized by him/her to perform acts on his/her behalf. The City Administrator is also the Public Works Director.
2. **"CITY COUNCIL"** means the duly elected governing body of the City of Libby, to include the Mayor.
3. **"CITY WATER"** means the system operated by the Libby Water Department for the treatment and distribution of water.
4. **"COMMERCIAL SERVICE"** means any water other than solely for residential purposes. Where a single structure has combined business and residential usage, the water service shall be considered "Commercial Service". Schools, hospitals, clinics, nursing homes, churches, trailer parks, apartments, condominiums, and rooming houses having two or more rooms on rental basis are considered "Commercial Service".
5. **"CUSTOMER" or "CONSUMER"** means an individual, partnership, association, firm, public or private corporation or government agency receiving water. In the case of a tenant/landlord, the property owner, or the legally authorized agent, is considered the customer or consumer.
6. **"DEVELOPER"** means any individual, firm, corporation, or other entity who causes Improvements to be made upon the land with said improvements requiring water service.
7. **"CITY ENGINEER"** means the duly appointed City Engineer of the City of Libby or such other person as the City shall appoint to perform the duties of the City Engineer as set forth herein.

8. **“DISTRIBUTION MAIN” “COLLECTION MAIN” or “MAIN”** means a water pipe owned, operated, and maintained by the City of Libby Water Department, which is used for the distribution of water and to which service connections are made.
9. **“PERMITTEE”** means any individual, firm, corporation, or entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
10. **“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 for the extinguishment of fire. A private fire protection system in the property of the customer and the Water Department does not maintain any portion or component of the system.
11. **“PUBLIC SERVICE COMMISSION”** means the Montana Public Service Commission.
12. **“SERVICE CONNECTION” or “SERVICE TAP”** means the piping from the service connection at the main to the customer’s premises.
13. **“SERVICE PIPE” or “SERVICE LINE”** means the piping from the service connection at the main to the customer’s premises.
14. **“CITY STANDARDS”** means those standards adopted by the City Council which pertain to the design, materials, and construction practices for the water works industry.
15. **“RESIDENTIAL SERVICE”** means water usage, solely for residential purposes.
16. **“WATER DEPARTMENT”** means the City of Libby Water Department.
17. **“STREETS DEPARTMENT SUPERVISOR”** means the duly appointed supervisor of the City of Libby Water Department or any person authorized by him/her to perform acts on his/her behalf.
18. **“MONTANA PUBLIC WORK STANDARDS”** means the standards by which all construction projects in the City of Libby must meet or exceed.

**RULE FOUR--- RECORDS & 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 EPA and the Safe Drinking Water Act shall be preserved in accordance with the “Rules to Govern the Preservation of Records of the Public Utilities and Licensees” as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated 1972, or appropriate State and Federal Agency requirements. The records shall be kept at the offices of the Water Department at City Hall and shall be open at reasonable hours for examination by the Public Service Commission or its representative or other State and Federal agencies as applicable.
2. **Filing of Rule, Regulations and Rate Schedules** No rules regulations or schedules of rates or modifications of the name shall be effective until adopted by the City Council after due process of the law and filed with the Montana Public Service Commission.
3. **Annual Financial Report** The Water Department shall make a report annually to the Public Service Commission and furnish a copy thereof to the Montana Consumer Council. The report shall set forth the rates and number of users of each service and classification, all rate increases, and the total income and expenditures of the Water Department as provided in Section 69-3-203, MCA.

**RULE FIVE--- CUSTOMER INFORMATION:**

1. **Rules & Regulations** A copy of the Rules & Regulation of the Water Department and any contracts, applications, or agreements applicable to the Water Department shall be maintained at City Hall for review and inspection by the public.
2. **Rates** Water Department personnel shall explain to the customer, during application for services, or whenever the customer requests, the rates applicable to the type of service furnished to the customer. The Water Department shall supply the customer, when requested, a copy of the current rate schedule.
3. **Posting** The Water Department shall exhibit, in a conspicuous location, a suitable placard, in large type, giving regulations and a schedule of rates of the Water Department that are available for inspection. The placard shall also state that the Water Department is regulated by the City Council and under the direct supervision of the City Administrator and Streets ~~Water~~ Department Supervisor.

**RULE SIX--- APPLICATION FOR WATER SERVICE:**

1. **Free Service** The Water Department shall not supply free water to any customer, public or private.
2. **Introduction of Service within Libby City Limits** All residential or commercial customers wishing water service to premises, not presently receiving water service that is located or will be located within the City Limits must make application at City Hall, on forms provided therefore, and setting forth in said application all purposes for which water service will be used on the premises.
3. **Introduction of Water Service Outside Libby City Limits** All residential or commercial customers wishing water service to premises, not presently receiving water service, that are not within the City limits but are within one hundred (100) feet of a City owned main, must make application as provided for under Rule Six (2) above. The application for water service must be accompanied by a "Waiver of Protest Agreement" signed by the property owner of record, waiving their right to protest annexation to the City of Libby once their property becomes contiguous to the City's limits.
4. **New Application** All new applications for the introduction of water service must be signed by the property owner, or their agent duly authorized, in writing, if applicable. Agent shall not include tenant.
5. **Change of Contracting Customer** Any change in the identity of the contracting customer, property owner and/or legal agent, at premises served by city water will require a new application for service, and no new application will be approved unless unpaid water charges, if any, have been paid in full. In all cases the property owner shall be liable for all charges for water service to their property.
6. **Application for Temporary Service** Water service for building, construction or other temporary purposes must be specially applied for. The method of connection and charges to the customer must be agreed upon 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 Department reserves the right to require metering of such temporary use if the condition warrants. In all cases the customer must pay for all charges, except the meter, necessary to provide the temporary service, including the removal of the service and meter if required.

7. **Application for Private Fire Protection Service** Customer requesting private fire protection systems shall make special application. The size and location of fire protection pipeline used for the system shall be separate, with no interconnections between said 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 Department before service is made effective, and at such time thereafter as any be deemed necessary or appropriate by the Water Department.

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 Department 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 it shall be free and exempt from any and all claims for damage 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 their fixtures connected to a private fire service system may be sealed by the Water Department and such seals may be broken only in case of fire or as specially permitted by the Water Department, and the customer shall immediately notify the Water Department of the breaking of any such seals.

Fire protection systems will not be metered but will be charged as a service according to size as prescribed in the rate schedule. Whenever a fire service system is to be tested, the customer shall notify the Water Department of such test, designating the day and hour when said test is to be made, so that, if desired, the Water Department may have an inspector present during the test.

8. **Change in Use** The customer agrees to obtain, in advance, the approval of the City Administrator or Streets Water Department Supervisor for any change, alteration or addition to the fixtures, openings and uses specified in the application.
9. **Prior Responsibility** It is the responsibility of the applicant to contact the Water Department prior to making application to be sure that there is a city owned main adjacent to the applicant's property. If no main exists or there is not sufficient supply for the intended use, it is the applicant's responsibility, if service is still desired, to extend or install a main in accordance with **Rule Nineteen "Extension of Main"**.
10. **Rights and Compliance** Upon approval of the application for service, the consumer has the right to take and receive a supply of water for the particular premises for the purposes specified in the application subject to compliance by the consumer with these rules and regulation

**RULE SEVEN--- REFUSAL TO SERVE CUSTOMER:**

The Water Department may decline to serve an applicant:

1. Until the applicant has complied with these rules and regulations; or
2. If, in the judgment of the City Administrator or Streets Department Supervisor, the applicant's installation of piping, equipment or appurtenances is regarded as hazardous or of such character that satisfactory service cannot be given; or
3. The applicant's system could cause damage or harmful effects to the Water Department system or adjoining properties.
4. All such refusals to serve shall be made in writing to the applicant.

**RULE EIGHT--- COMPLAINTS:**

The Water Department shall make a full and prompt investigation of all complaints made by customer of the Water Department either directly, through the City Administrator, or through the State Public Service Commission and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Water Department shall notify the customer of privilege of appeal to the City Administrator or the Consumer Service Representative of the Public Service Commission.

**RULE NINE--- 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 off or on, on any premises served by the City of Libby Water Department, without permission from the Water Department.
2. **Cross Connections** No pipes or fixtures connected to the water supply of the Water Department 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 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 Department. When the Water Department becomes aware of a leak in the service pipe of a customer, notice will be given allowing reasonable time for repairs to be made. If the repairs are not made within the allocated time and no time extension has been granted or applied for, the water will be shut off by the Water Department without further notice.
4. **Seasonal Service** The City of Libby has eliminated "Seasonal Service". Anyone wanting to have their water service turned off will still be required to pay the "Base Rate" as set forth in the current rate schedule.
5. **Conservation Fee** In the interest of preventing waste and promoting conservation of water, the Water Department may, if conditions require, specify the hours and days during which sprinkling will be permitted and will publish a "Notice" thereof in newspapers and will prominently post such "Notice" at City Hall. The Water Department 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 and deliver such customers 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 hours and days are not observed. If the customer cannot be contacted at the time the Water Department discovers the customer's waste of water or failure to observe sprinkling hours, then the Water Department 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 Department may charge and bill the customer a "Conservation Fee" of Fifty Dollars (\$50.00). If the customer does not pay the fee after a reasonable time the Water Department shall discontinue service until paid. All expense incurred by the Water Department to discontinue service and subsequent reconnection shall be paid by the customer.
6. **Turn-On Service** No charge will be made to new customers for turning the water on or to existing customers cancelling the account for turning the water off if the turn-on or off is made during regular working hours. Turn-on service required at times other than regular working hours or under conditions other than stated above will be charged in accordance with the rate schedule. This "no charge" service does not apply to temporary service or service for sprinkling purposes.

7. **Resale of Water** Water furnished by the City of Libby Water Department shall not be resold or caused to be resold by any customer unless said customer is engaged in the business of distributing water as a public utility as approved by the State Public Service Commission.
8. **Fire** In the case of fire and while water is being used for the extinguishment of fires, the use of water for fountains, yard sprinkling, or nonessential use is positively prohibited.
9. **Access to Property** The Water Department Personnel shall, at all reasonable times, have access to meters, meter pits, service connections, curb stops/boxes, and any property owned by the City of Libby, which is on the customer's premises, for the purpose of maintenance, operation, and inspection. The Water Department 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 such that they do not impair ingress or egress or interfere with the work of the Water Department personnel. Refusal on the part of the customer to allow access, remove obstructions, or contain pets for much purpose 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 Employment** Every employee of the Water Department whose duties require the entering of the customer's premises shall carry an identification card which identifies the employee as a representative of the City of Libby Water Department. The identification card shall contain pertinent information necessary to identify the employee including a photograph, together with the telephone number of the Water Department at City Hall. The customer may deny access to the customer's premises while the customer calls the Water Department at City Hall to verify the authenticity of the identification and that the employee is working for the Water Department and on official business.
11. **Interior plumbing & Fixtures** All plumbing connected, directly or indirectly, to the supply or service of the Water Division shall conform to the installation requirements of the International Association of Plumbing and Mechanical officials "Uniform Plumbing Code".

**RULE TEN--- 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 the comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limit as provided in Section 69-7-201 MCA.
2. **Rate Charged Against Property** The water rates shall be charged against the property on which it is furnished, and if for any cause any sum due therefore becomes delinquent, service may be shut off from the property and not turned on again until all such delinquencies have been paid in full. No change of ownership shall affect the application of this rule. Any sum delinquent and not paid in full shall be made a special assessment against the property and collected through the tax rolls.

**RULE ELEVEN--- SERVICE LINES AND CONNECTIONS:**

1. **Main Connection** The customer is responsible for the excavation from the intended use to the main and restoration of same to city standards for all new, repaired, replaced, or altered services. All excavations in public right of way (ROW) or easement require a permit issued by the City of Libby. For residential and commercial water services the Water Department shall install a service clamp and corporation valve at the main as well as tap the main for a flat fee in accordance with the rate schedule. On all other services, the customer shall bear the full expense for labor, equipment and materials involved with the tapping of the main. The Water Department will make all water taps regardless.

2. **Service Lines** The customer, at the customer's expense, shall install all piping and appurtenances, except the water meter from the main connection to the point of usage, and restore all surfaces to the conditions which existed before installation. The water curb stop and meter pit shall be located in an accessible location in the public right of way (ROW) or easement near the property line of the property served as directed by the Water Department. There shall be no branches made in the water service line between the main and the meter. All piping and appurtenances shall be installed, disinfected, and flushed in accordance with the 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 Department. Any service line that is repaired, replaced, or altered shall be brought up to current city standards from the main to the premises at the consumer's expense. The permit shall set forth the reason for work and description of work to be performed. The permit shall be obtained and signed by the Water Department and a 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. The consumer, upon proper application to the City, may arrange with the City to perform said work on his own behalf. Upon completion of all necessary work, the permittee shall have said work inspected by a representative of the Water Department, then return said permit to the Water Department office at City Hall along with a suitable map, (8 1/2" X 11") standard, showing the location of the tap, clean outs, curb stop, meter pit, and service line location and/or any changes of location of service lines or appurtenances or any other appropriate information. If such work requires excavation in a street, alley, public right of way (ROW), or public easement, a "Street Opening Permit" shall be required
  
4. **Maintenance of Service Lines** The customer, at the customer's expense, shall maintain all service piping, and appurtenances in good condition, operable and free from leaks from the curb stop, including the curb stop, to and through the consumer's premises. Failure to do so may be cause for discontinuance of service. If curb stops and-meter pits are not maintained to a condition that service can be shut off or turned on freely, the Water Department upon reasonable notice, reserves the right to make whatever repairs are necessary to restore said curb stop and meter pit to full function and charge the customer for labor, equipment, and materials necessary to make repairs. It is the customer's responsibility to repair any leaks in the service lines immediately upon discovery.
  
5. **Size and Location** The size, and location of all service lines will be determined by the Water Department.
  
6. **Separate Service Lines** Service lines shall be so arranged that the supply of each separate building, house, or premises may be controlled by a separate curb and box, except as provided for by these rules and regulations or written permission from the Water Department.

**RULE TWELVE--- METERING:**

1. **Providing Meters** All water furnished by the City of Libby Water Department, except as provided for by these rules and regulations, shall be metered. The Water Department shall provide, operate, and maintain all such meters up to 2" in size except as provided for by these rules and regulations. When a meter in excess of 2" is requested and approved for installation, the Water Department shall pay the cost of a 2" meter only and the customer shall pay the additional cost of the larger meter, together with all installation, maintenance, and testing thereof.
  
2. **Size of Meters** The Water Department shall determine the size of any meter installed. Such determination shall be based on comparative usage of the facility to be served with other similar type facilities served or by the flow demand of the facility to be served.

3. **Replacement Meter** The Water Department may replace, or remove for testing, any meter at such time as it may deem necessary.
4. **Location of Meter** The customer shall provide adequate protection of the meter from frost or other damage and the meter must be located where it is easily accessible for reading and repair purposes. For water services not to current city standards, the meter must be located as nearly as practical to the point of entry to structure and shall be isolated by gate valve to facilitate removal for testing. Where otherwise, to protect it from freezing or other damage, the customer shall install a meter pit, paid for by the customer. In some cases, the Water Department may approve certain meter pits for installation, but prior approval must be granted. 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 Department, at its own expense, may install a remote register, for meter reading, on the exterior of the house or building.
5. **Meter Testing** The Water Department shall have apparatus equipment for testing the accuracy of all meters owned by the Water Department or other meters from which readings are taken for the purpose of billing customers for water used through 2" in size. For testing meters larger than 2", the apparatus and equipment may be owned and operated by the Water Department or the meters may be sent to a qualified shop or laboratory for such testing. The Water Department 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 (2%) fast or slow it must be either replaced or adjusted so as to register as nearly one hundred percent (100%) 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 Department deems to be within the prescribed accuracy shall be sealed by the Water Department. 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, or meter piping show signs of tampering, the meter shall be resealed by the Water Department and notice shall be given to the customer that the meter, meter piping and/or meter seals have been tampered with and that such tampering is a violation of these rules and regulations. If the meter, meter piping and/or meter seals are further tampered with, the Water Department may charge and bill the customer a fee not to exceed \$200.00 for each subsequent violation. 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 Department. All expenses incurred by the Water Department to discontinue service and subsequent reconnection shall be paid by the customer.
8. **Metering of Multiple Unit Dwellings** In the cases of mobile home parks, trailer courts, apartment house, townhouse, condominiums, rooming houses, emporium shops, malls or the like where individual metering is not practical and a single owner or association of owners is primarily responsible for payment of water use, the Water Department may require only one meter to service all units and will send only one bill. In each case, if payment is not kept current the whole service may be discontinued in accordance with **Rule Sixteen #5**. Metering under these conditions must be approved in writing by the Water Department on the merits of each case.
9. **Separate Services** All separately metered services must be controlled by a separate curb stop and meter pit.



- 10. Frozen Meters** First Offense: there will be no charge to the customer if there was not any negligence on the customer's part.

Second Offense: A fee of \$200.00 will be charged to cover the cost of a new meter before the meter is installed. The water will not be turned back on, or a new meter installed, until the customer has properly heat taped or insulated the pipes and meter to the satisfaction of the Water Department. Following the second frozen meter the customer, excluding commercial trailer courts, at the customer's expense, must bring the water service up to city standards as identified in Rule Eleven. Customers in commercial trailer courts who have more than two frozen meters per rental may have water service denied to that customer by order of the City Administrator.

Addition fees will be assessed for after hour call outs at the overtime rate and hours for the water department employee.

**RULE THIRTEEN--- BACKFLOW PREVENTION:**

The customer shall, when requested by the Water Department or when required by legally constituted authority, furnish, own, and install a backflow prevention device in the customer's piping or plumbing. Said device shall be acceptable to the Water Department and shall be installed, tested from time to time, and maintained by or at the customer's expense in accordance with the requirements of the Water Department.

**RULE FOURTEEN--- FLAT RATE:**

No new flat rate users will be allowed by the Water Department. All new customers will be required to install meters.

**RULE FIFTEEN--- 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. Such notice shall be made at least eighteen (18) hours in advance in the form of personal contact or a notification tag placed on the entrance way for interruptions affecting twenty-four (24) or fewer customers. For interruptions affecting a larger area then mentioned above, the Water Department will attempt to make personal contact with, or otherwise notify, commercial customers and shall make notification over the local radio station, for all other affected customers, at least twice prior to interruption of service.
- 2. Emergency Interruption** The Water Department shall make diligent effort to avoid interruptions of service, and when such interruptions occur, shall re-establish service as soon as possible. When emergency repairs, such as main breaks, fire hydrant damage, etc., become necessary, a concerted effort shall be made by the Water Department 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 Department to have an announcement sent over the local radio station if the period of total interruption of service is expected to last more than four (4) hours.
- 3. Liability** The Water Department shall not be liable to customers or other for failure of interruption of water service due to main breaks, act 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 limitations by the foregoing, any other cause beyond the reasonable control of the Water Department or its personnel.

4. **Adjustments 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 Department liable for any adjustment in the bill.

**RULE SIXTEEN--- DISCONTINUANCE OF SERVICE:**

1. **Vacation of Premises** Any customer who is about to vacate any premises supplied with service by the Water Department or, for any reason, wishes to have service discontinued shall give at least twenty-four (24) hours notice to the Water Department. Such notice shall specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holidays unless as the customer agrees, in writing, to pay the actual cost such discontinuance. Until the Water Department receives notice of discontinuance, the customer shall be held responsible for all service rendered. Vacation of Premises still requires the customer to pay the monthly base rates unless the customer abandons the water service.
2. **Temporary Discontinuance** Should the customer desire temporary discontinuance of service, the Water Department shall, when notified in writing, shut off the water at the curb stop and allowance will be made on the bill for such time as the water is shut off. In the event the curb stop cannot be shut off, for reasons beyond the control of the Water Department, the Water Department shall notify the customer of reasons for not discontinuing service and no allowance for discontinued service will be made until such time as the Water Department can make a total shut off of the water service. If the customer requests the water service be reconnected within six (6) months of the date of disconnect, the customer shall be required to pay the turn-on charge, as set forth in the rate schedule. Temporary Discontinuance still requires the customer to pay the monthly base rates unless the customer abandons water service.
3. **Abandonment of Water Service** The customer may choose to abandon water service to the premises in order to not be charged a "Base Rate" as provide in **Rule Twenty #9**. The customer must contact the Water Department and fill out a permit. The permit explains that the service line must be severed and capped on the property owners' side of the curb stop or meter pit. The customer will be responsible for all costs and expenses associated with having service line dug up and severed, capped and buried. The Water Department must also inspect and approve the capping of the service line before covering. If a customer wants water service in the future, they must contact the Water Department and pay a \$50 reconnection fee and will be responsible for all cost associated with the reconnection of the service line that must be brought up to current city standards. Any abandoned water service desiring reconnection, where the water main service has changed, will be required to request a new water service as if there was not previous water service. In any case where the water service has been abandoned by no payments or water usage in a 12-month period, even if no proof of the severing of the water service has occurred, the service is considered abandoned.
4. **Discontinuance by the Water Department** The Water Department shall make diligent effort to induce the customer to comply with its rules and regulations, including the paying of bills. Service shall only be discontinued for violations of these rules after written notice has been given to the customer by the Water Department that the violation of rules must cease, provided, however, that where fraudulent use of water is detected, or where the Water Department's regulation or measuring equipment has been tampered with, or where dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. If the customer so notified does not comply with the notice within seven (7) days, the Water Department shall then place "Notice" upon the premises that indicates the date when the water will be shut off. The Water Department shall not be liable for failure of the customer to see such notice or for the disappearance of such "Notice" from the premises. The Water Department shall keep record of all such "Notices".

5. **Discontinuance for nonpayment.** When payment becomes delinquent a \$10.00 late fee shall be imposed. The Water Department shall give notice of the delinquency on the customer's water bill by including the phrase "Past Due Water" or a similar phrase. If the consumer has not remedied the delinquency in full within fourteen (14) days after the notice, the Water Department shall notify the customer that its water service will be shut off if the customer has not made payment or other arrangement suitable to the Water Department within three (3) business days, by one or more of the following means:

- A. The Water Department may send the notice by means of a voicemail, text, or email if the customer has shared electronic contact information with the Water Department.
- B. The Water Department may place a written notice on the customer's premises in a conspicuous place.

If the customer has not made payment or other arrangement suitable to the Water Department within three (3) business days of the notice, the Water Department shall shut off the customer's water service. The Water Department shall not be liable for failure of the customer to see electronic or written notice or for the disappearance of a notice from the premises. The Water Department shall keep record of all electronic and written notices.

6. **Charge for Reconnection** Whenever the supply of water is turned 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 Department and payment for a turn on charge, as set forth in the rate schedule, must be paid before the water will be turned on.

#### **RULE SEVENTEEN--- ADEQUACY OF FACILITIES:**

1. The Water Department shall construct, operate, and maintain its entire water supply system in such condition that it will furnish safe, adequate, and continuous service. The Water Department shall comply with the rules of the United States Environmental Protection Agency (EPA) the State of Montana Department of Health and Environmental Sciences governing purity of water, and the Montana Department of Environmental Quality (DEQ). The City of Libby Water Department shall follow and abide by all rules and regulations set forth by these agencies and perform the testing and follow all requirements set forth for public water systems.

#### **RULE EIGHTEEN--- FIRE HYDRANTS:**

1. Fire hydrants, except those on Private Fire Protection lines, are the property of the City of Libby Water Department, which shall have the responsibility for maintenance and repair of said hydrants. Hydrant rental shall be charged in accordance with the rate schedule.

#### **RULE NINETEEN--- EXTENTIONS OF MAINS:**

1. **Application for Extension** Customers or Developers who have requested water 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 Department. The application shall be submitted to the City Engineer and shall contain all pertinent information as required by the application. Requests for extension by sub dividers shall also conform to the subdivision rules and regulations.
2. **Approval of Extensions** All applications for extension shall be reviewed and signed-off by the Streets Department Supervisor and City Engineer and forwarded to the City Administrator along with recommendations for approval or disapproval, for his review and final disposition. Approval of any extensions of the Water Department mains shall be discretionary and based on the merits of each case.

3. **Construction** Prior to the start of any construction on a main extension, an engineering report along with necessary plans and specification for the extension shall be submitted to the Department of Environmental Quality (DEQ) 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 Montana Public Work Standards adopted by the City of Libby.
4. **Inspection and Engineer Certification** The Water Department shall make necessary inspections to ensure compliance with plans, specifications, and Montana Public Work Standards, are being followed. 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 Department, the project engineer shall be required, within ninety (90) days of completion of the extension, to submit to the Water Department a certificate of compliance with plans and specifications along with a full and suitable set of "As Build" plans and specifications both electronically and a hard-copy as required by the City Administrator.
5. **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 (1) year from date of receipt of compliance on service, whichever is later. If the main extension is a portion of a total improvements plan, the Water Department may require the one (1) year Warranty of 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 foregoing liability period shall be given to the customer or developer by the City Engineer or Water Department Supervisor.
6. **Compliance with Facility Plan** All main extensions shall conform to the City of Libby Water Facility Plan as adopted, or amended by the city Council, and meets the Montana Public Works Standards.
7. **Dead Ends** Dead Ends in the distribution system shall be avoided as far as possible. If such dead ends are unavoidable even on a temporary basis, the developer may be required to provide facilities for flushing, at the discretion of the Water Department.
8. **Cost of Extension** All costs of extension shall be borne by the customer or developer, except as specifically provided for in an "Extension Agreement".
9. **Extension Agreements** If deemed appropriate and necessary, the City of Libby may enter into an "Extension Agreement" with a customer or developer extending a city owned main whereby said customer or developer may recover a portion of the expense of the extension. The agreement shall be mutually agreed upon by the City and the customer or developer before approval of the extension application and shall set forth the value of the extension and the basis for charges to late coming customers, who did not participate in the extension, upon their connection to the portion of the main installed under the "Extension Agreement".

**RULE TWENTY--- 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 intervals with the date of mailing of said bill as near as practical to the date of mailing of the previous bill.
2. **Opening and Closing Bills** Opening and closing bills for water service rendered for periods of five (5) days more or five (5) days less than normal billing period will be computed in accordance with the appropriate rate plus amount of water used, on a pro-rated basis of the number of days in the period water service was rendered to the number of days is the normal billing period.

3. **Billing Information** Bills shall show the meter reading 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.
4. **Multiple Units Billing** In all cases where more than one (1) unit, dwelling, commercial enterprise, or the like, as provided for in **Rule Twelve #8** "Metering of Multiple-Units Dwelling", is served through a common meter, one bill only shall be rendered for payment of water 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 Sixteen #5**. No provision shall be made for empty units unless the service to said unit is controlled by an approved curb stop and box and the Water Department maintains absolute control of the turning off and on of said unit and the Water Department has turned the water off at the request of the customer.
5. **Adjustments 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 billing and current readings, the customer shall notify the Water Department within five (5) days of receipt of the billing in question, In case of a dispute as to the accuracy of the meter, the customer, upon depositing the amount set forth in the Rate Schedule, 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 said testing shall bear any and all costs incurred by the customer for the customer to be present.

If the meter is found to be registering correctly (Within two percent 2% of true recording) or in favor of the customer, the deposited amount shall be forfeited to the Water Department. If the meter is found to be recording incorrectly (Over two percent 2% of true reading) against the customer, the Water Department shall refund the deposit and refund the overcharge, based on a true recording, for a period of six (6) months or for a lesser period, if the date of cause can be established from records related to the cause. The City Administrator shall have the only authority to authorize adjustments to water/sewer bills.

6. **Error in Billing** If an error in billing or meter reading has been made, the Water Department may go back up to six (6) months to recover any under-charge or must go back six (6) months to refund any over-collection, if applicable.
7. **Dead Meter** If a meter is found not to register for any period, the Water Department shall compute the water used as follows:
  - A. For customers who have been served for over one (1) 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 (1) year, the amount billed shall be based on the consumption for 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.

8. **Flat Rate** Existing flat rate users will be charged as per the rate schedule.
9. **Base Rate** All water service to the property will be charged the current "Base Rate" This applies to customers even if the water has been turned off for non-payment or any other reason. The "Base Rate" can only be taken off a customer's bill if the customer physically severs the service line and caps it at the curb stop or meter pit, on the property owner's side, as provide in **Rule Sixteen #3**. Some exceptions may apply if a curb stop or shutoff valves is not present or cannot be found. The capped line must be inspected and approved by the Water Department before the line can be buried. In the future if the property owner so chooses to connect back to the City of Libby water system, they must pay a \$50.00 reconnection fee. The reconnection will also have to be inspected.

10. **Partial Payments** Partial payment of utility bills shall be divided equally among all utilities owed to the City of Libby.
11. **Deposits** The Water Department will require a deposit for water service. The deposit shall be in a no-interest bearing account, refundable, after one (1) year continuous prompt payment of bills or upon termination of service and collection of final payment in full, or the deposit may be applied to delinquent bills upon discontinuance of service by the Water Department for nonpayment of bills. Property owners who rent will be required to keep the water accounts in their name. As of January 1<sup>st</sup>, 2016, the City of Libby Water Department will no longer put tenants name on water accounts. It will be the responsibility of the property owner to manage these accounts. Bills can be sent out to both the property owner and the tenant upon request.

**RULE TWENTY-TWO--- Payment of Bills:**

1. Bills are due and payable in full within (14) days of billing date. A bill not paid in full after (14) days is considered delinquent, and service may be discontinued as per **Rule Sixteen #5** unless a suitable payment schedule is made with the Billing Clerk provided, however, that no outstanding balance shall be permitted to exceed the equivalent of two (2) months average bill on the property.