

ORDINANCE NO. 278



AN ORDINANCE AMENDING TITLE 8, CHAPTER 3 OF THE CITY CODE OF THE CITY OF EAST HELENA REGARDING WATER REGULATIONS TO ALIGN THE REGULATIONS WITH CITY ENGINEERING STANDARDS AND CURRENT CITY POLICIES AND PROCEDURES

RECITALS

WHEREAS, the City of East Helena, Montana (the “City”), in Title 8, Chapter 3, of the City Code of the City, has established rules and regulations (the “Water Regulations”) for the City’s municipal water system (the “System”), including permits, service, connections, water meters, inspection, mains, and responsibilities; and

WHEREAS, the City Council (the “Council”) desires to amend the Water Regulations to align the regulations with the City Engineering Standards and current City policies and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST HELENA, MONTANA:

Section 1. That Chapter 3 in Title 8 of the East Helena City Code is amended as follows:

**TITLE 8 PUBLIC WAYS AND PROPERTIES  
CHAPTER 3 WATER REGULATIONS**

**8-3-1: RULES AND REGULATIONS OF THE WATERWORKS SYSTEM:**

The rules and regulations set out in rules 1 through ~~3132~~ are hereby established for the management, control, and protection of the waterworks system. These rules shall be considered a part of the contract with every person or entity who takes water supplied by the city and every such person or entity agrees by making application for water supplied by the city to be bound thereby.

Rule 1. Application; Deposit. All applications for taking water must be made at the office of the city clerk on the printed form furnished for that purpose. The application must be made and signed by the owner of the property to be served or ~~their~~his agent, designating the ~~lot, block,~~ ~~addition and~~ street address where water is desired and shall state fully all of the purposes for which the water is required. Service will be furnished to any consumer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the city's rules, and that the system of mains and pipes extends to the point where service is desired, and is adequate to supply the service applied for. ~~A mandatory deposit shall be collected by the city from all new water users equal to three (3) times the new user's base rate. Deposits~~

~~also shall be mandatory in instances where water service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills.~~

Rule 2. Change ~~o~~Of Use ~~O~~Or Service. No person supplied with water from the city mains will be entitled to use it for any other purpose than those stated in the application, or supply in any way other persons or families unless authorized by the city for temporary or emergency services. Should the owner of the premises desire to apply the water for a purpose not stated in the original application, a new application must be made.

Rule 3. Water Service. When a water application has been granted, the city or its authorized agent will tap the main in accordance with rule 17. All the expense of laying and maintaining the service pipes from the mains to the consumer's premises, including any and all materials, shall be borne by the consumer. The service pipe must be laid as per current approved city engineering standards. ~~below street grade and on the consumer's premises at a minimum depth of six feet (6') to prevent freezing. Extra precautions must be taken when laying pipes into structures without basements so that pipes will not freeze during cold weather.~~

Rule 4. Separate Connection ~~f~~For Each Premises; Minimum Water Meter Size. Unless specifically authorized by the city, all ~~new (i.e., installed or put into service after May 1, 1999)~~ service lines shall be so arranged that the supply to each separate structure or premises shall be supplied by a separate service line from the city main. No consumer shall be permitted to conduct water lines across lots or through structures to an adjoining structure and/or premises. All service lines shall enter the property at the front or back of the structure nearest the sidewalk.

Minimum water meter sizes shall be as provided herein, according to the date of construction completion and connection of water service. Meter sizes listed are nominal sizes, not accounting for different diameter end connections. Meters designated "3/4-inch" shall have three-fourths inch (3/4") metering chambers and three-fourths inch (3/4") end connections, and meters designated "5/8-inch by 3/4-inch" shall have five-eighths inch (5/8") metering chambers and three-fourths inch (3/4") end connections.

Base rate charges will be according to meter size installed. With prior written approval of the city, meters larger than minimum sizes listed may be installed at the option of the property owner.

For construction existing as of May 1, 1999:

A. For all structures or properties existing and served as of May 1, 1999, water meter installations shall be sized according to the following criteria:

Single-family residence	3/4 inch
Single-family residence w/basement	3/4 inch
Duplex (with single service line)	1 inch
<del>Tri</del> plex (with single service line)	1 inch or equal to nominal diameter of existing buried service line where it enters the building, whichever is larger

Fourplex (with single service line)	1 inch or equal to nominal diameter of existing buried service line where it enters the building, whichever is larger
Apartment with 5 or more units (with single service line)	1 1/2 inch or equal to nominal diameter of existing buried service line where it enters the building, whichever is larger
Commercial, institutional and industrial (including churches, cemeteries and schools)	3/4 inch or equal to nominal diameter of existing buried service line where it enters the building, whichever is larger, subject to the approval of the city

B. Where an existing structure is served by more than one water service line, each service line shall be metered with a separate meter. Meter size shall be equal to the nominal diameter of the existing buried service line, or three-fourths inch (3/4"), whichever is greater. Base rate and varied rate charges shall apply to each water meter. The meter readings for separate meters to the same structure shall not be combined for purposes of measurement or application of the water rate schedule.

C. Where an existing structure is served in series with another existing structure, and both structures are owned by one property owner, the two (2) structures may be metered through a common water meter. Charges for water usage measured through the common meter will be billed to the property owner. Meter size for the common meter shall be three-fourths inch (3/4") nominal, minimum, subject to the approval of the city. Upon a change in ownership of any such structures after May 1, 1999, separate water service lines connected directly to the city's main and separate water meters shall be established for each structure at the property owner's expense.

D. Where an existing structure is served in series with one or more other existing structures, and the structures are owned by different property owners, each structure shall be metered with separate water meters. Charges for water usage to each structure will be determined by the city based on the arithmetic difference between the individual water meter readings. Charges for water usage to each structure will be billed to the respective property owners. Meter sizes for such structures shall be three-fourths inch (3/4") or equal to the nominal diameter of the existing buried service line arriving at the structure, whichever is greater. Upon a change in ownership of any such structures after May 1, 1999, a separate water service line connected directly to the city's main and a separate water meter shall be established for that structure at the property owner's expense.

E. When two (2) or more existing structures are served from a common water service line tap at the main, and the service line branches underground prior to entering any of the structures, separate water meters shall be provided for each structure. Meter sizes for each structure shall be according to the classifications stipulated previously for residential or commercial structures. Upon a change in ownership of any such structures after May 1, 1999, separate water service lines connected directly to the city's main and separate water meters shall be established for each structure at the property owner's expense. (Ord. 216, 5-18-1999)

For new construction completed after May 1, 1999:

F. 1. For all structures constructed after or to which new water service is extended between May 1, 1999, and July 1, 2004, water meter installations shall be sized according to the following criteria:

Single-family residence	3/4 inch
Duplex (including single-family residence with basement apartment)	1 inch for common service line, or separate 5/8 inch x 3/4 inch meters for each unit
Triplex	1 1/2 inch for common service line, or separate 5/8 inch x 3/4 inch meters for each unit
Fourplex (with single service line)	1 1/2 inch for common service line, or separate 5/8 inch x 3/4 inch meters for each unit
Apartment with 5 or more units	Separate 5/8 inch x 3/4 inch meters for each unit (at the option of the city, a single meter of a size determined by the city may be allowed)
Commercial, institutional and irrigation (including churches, cemeteries and schools)	To be determined by the city based on service line size or as stipulated in service agreement

2. For all structures constructed after or to which new water service is extended after July 1, 2004, water meter installations shall be sized according to the following criteria:

Single-family residence	3/4 inch								
Duplex (including single-family residence with basement apartment), triplex, and fourplex	3/4 inch meters for each unit, or a single meter sized according to the number of water supply fixture units in accordance with use of the following calculation:								
	<table border="0"> <tr> <td style="text-align: center;">Total Number Of Water Supply Fixture Units In Entire Building</td> <td style="text-align: center;"><u>Meter Size</u></td> </tr> <tr> <td>18 or less</td> <td>3/4 inch</td> </tr> <tr> <td>19-70</td> <td>1 inch</td> </tr> <tr> <td>71 or more</td> <td>1 1/2 inch</td> </tr> </table>	Total Number Of Water Supply Fixture Units In Entire Building	<u>Meter Size</u>	18 or less	3/4 inch	19-70	1 inch	71 or more	1 1/2 inch
Total Number Of Water Supply Fixture Units In Entire Building	<u>Meter Size</u>								
18 or less	3/4 inch								
19-70	1 inch								
71 or more	1 1/2 inch								

The number of water supply fixture units shall be calculated as follows:

$$\frac{\text{Appliances, Appurtenances, or Fixtures}^2}{\text{Minimum Number of Fixture Branch Pipe} \times \text{Water Supply Fixture}}$$

	<u>Size<sup>1,4</sup></u> <u>(inches)</u>	<u>Units</u> <u>(private)</u>
<u>Bathtub or Combination Bath/Shower</u> <u>(fill)</u>	<u>1/2</u>	<u>4.0</u>
<u>3/4 inch Bathtub Fill Valve</u>	<u>3/4</u>	<u>10.0</u>
<u>Bidet</u>	<u>1/2</u>	<u>1.0</u>
<u>Clothes Washer</u>	<u>1/2</u>	<u>4.0</u>
<u>Dishwasher, domestic</u>	<u>1/2</u>	<u>1.5</u>
<u>Drinking Fountain or Water Cooler</u>	<u>1/2</u>	<u>0.5</u>
<u>Hose Bibb</u>	<u>1/2</u>	<u>2.5</u>
<u>Hose Bibb, each additional<sup>6</sup></u>	<u>1/2</u>	<u>1.0</u>
<u>Lavatory</u>	<u>1/2</u>	<u>1.0</u>
<u>Lawn Sprinkler, each head<sup>5</sup></u>	<u>=</u>	<u>1.0</u>
<u>Mobile Home, each (minimum)</u>	<u>=</u>	<u>12.0</u>
<u>Sinks</u>	<u>=</u>	<u>=</u>
<u>Bar</u>	<u>1/2</u>	<u>1.0</u>
<u>Kitchen, domestic</u>	<u>1/2</u>	<u>1.5</u>
<u>Laundry</u>	<u>1/2</u>	<u>1.5</u>
<u>Service or Mop Basin</u>	<u>1/2</u>	<u>1.5</u>
<u>Shower per head</u>	<u>1/2</u>	<u>2.0</u>
<u>Urinal, 1.0 GPF Flushometer Valve</u>	<u>3/4</u>	<u>3.0</u>
<u>Urinal, greater than 1.0 GPF</u> <u>Flushometer Valve</u>	<u>3/4</u>	<u>4.0</u>
<u>Urinal, flush tank</u>	<u>1/2</u>	<u>2.0</u>
<u>Water Closet, 1.6 GPF Gravity Tank</u>	<u>1/2</u>	<u>2.5</u>
<u>Water Closet, 1.6 GPF Flushometer</u> <u>Tank</u>	<u>1/2</u>	<u>2.5</u>
<u>Water Closet, 1.6 GPF Flushometer</u> <u>Valve</u>	<u>1</u>	<u>5.0</u>
<u>Water Closet, greater than 1.6 GPF</u> <u>Gravity Tank</u>	<u>1/2</u>	<u>3.0</u>
<u>Water Closet, greater than 1.6 GPF</u> <u>Flushometer Valve</u>	<u>1</u>	<u>7.0</u>

<u>Plumbing Fixture</u>	<u>Number Of Water</u> <u>Supply Fixture Units<sup>+</sup></u>
<u>Bathroom sink/lavatory</u>	<u>0.7</u>
<u>Bathtub or shower</u>	<u>1.4</u>
<u>Dishwasher</u>	<u>1.4</u>
<u>Kitchen or utility sink</u>	<u>1.4</u>
<u>Toilet</u>	<u>2.2</u>
<u>Washing Machine (8 lb.)</u>	<u>1.4</u>
<u>Washing Machine (16 lb.)</u>	<u>4.0</u>
<u>All other fixtures</u>	<u>Determined by city</u>

Apartment with 5 or more units  
Commercial, institutional,  
industrial, and irrigation

Separate 3/4 inch meters for each unit  
To be determined by city based on service line size or as  
stipulated in service agreement

(including churches, cemeteries and schools)

For SI units: 1 inch = 25 mm ~~Note:~~

1. Based on ~~2003 international plumbing code~~ 2018 UPC.

**Notes:**

<sup>1</sup> Size of the cold branch pipe, or both the hot and cold branch pipes.

<sup>2</sup> Appliances, appurtenances, or fixtures not included in this table shall be permitted to be sized by reference to fixtures having a similar flow rate and frequency of use.

<sup>3</sup> The listed fixture unit values represent their total load on the cold water building supply. The separate cold water and hot water fixture unit value for fixtures having both cold and hot water connections shall be permitted to be three-quarters of the listed total value of the fixture.

<sup>4</sup> The listed minimum supply branch pipe sizes for individual fixtures are the nominal (I.D.) pipe size.

<sup>5</sup> For fixtures or supply connections likely to impose continuous flow demands, determine the required flow in gallons per minute (gpm) (L/s) and add it separately to the demand in gpm (L/s) for the distribution system or portions thereof.

<sup>6</sup> Reduced fixture unit loading for additional hose bibbs is to be used where sizing total building demand and for pipe sizing where more than one hose bibb is supplied by a segment of water distribution pipe. The fixture branch to each hose bibb shall be sized by 2.5 fixture units.

~~(Ord. 232, 6-2-2004) (Ord. 278, 12-21-2021)~~

G. Structures constructed or properties to which new service is connected after May 1, 1999, shall be served by separate water service lines from the city's main. Service lines to a structure or property from another structure or property are prohibited.

H. Multiple water service lines to a single structure or property are prohibited, unless ~~express~~ approval is granted by the city. Dedicated fire protection lines equipped with detector type check valves inside the structure are allowed as separate water service lines connected directly to the city's mains.

I. Upon a change in occupancy status for any existing structure after May 1, 1999, whereby the number of individual residences or apartments is altered, the city shall determine the appropriate water meter numbers and sizes for the altered status. Additional metering shall be established at the property owner's expense. Meter sizes shall be according to the classifications stipulated previously for residential or commercial structures.

J. The final determination of number of water meters and sizes for mixed residential and commercial structures or properties shall be made by the city.

Rule 5. Curb Stops ~~And~~ and Boxes; Responsibility; Maintenance. A valve or curb stop of an approved pattern (with box) shall be installed by the consumer, at the consumer's own expense, ~~per current approved city engineering standards, in each service line on the property line, at a point designated by the city. The curb stop shall be protected from frost and placed within a visible and easily accessible cast iron curb box. The top of all curb boxes shall conform to the~~

~~surface of the established property grade when the same is practical in the determination of the city. At the point of service entrance, and above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the structure. Full way gate valves or rotary valves, which include ball, cone, and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to copper service lines three-fourths inch (3/4") through two inch (2") by means of copper flare or soldered connections.~~ No branch connections shall be made to a service line between the main and the entrance valve. When the owner fails to properly maintain the curb stop and box and it becomes necessary for the city to shut off the water, necessary repairs or restoration will be made by the city, or if the service line fails between the city main and the curb shutoff and the owner does not take prompt action for its repair, the city will shut the service line off at the corporation connection to the main, but will not repair or replace the service line. In both of the foregoing instances, a reasonable effort will be made to contact and inform the owner of the action to be taken by the city. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored.

Rule 6. Turning Off Water ~~For~~ Emergency Repairs. The water may be shut off from the mains at any time without notice for emergency repair purposes.

Rule 7. Turning Off Water ~~For~~ Repairs ~~To~~ System. The city reserves the right at any time to shut the water off for the purpose of making repairs, laying or relaying mains, installing hydrants, or other connections, or for any other needful purpose. Notice will be given to consumers whenever practical prior to shutting off the water.

Rule 8. Interruptions ~~Of~~ Service; City Liability. The city will make reasonable effort to avoid interruptions of service, and when such interruptions occur, shall reestablish service with reasonable diligence. The city shall not be liable to customers or others for failure or interruption of service due to acts of God, governmental regulations, court or governmental orders, acts of the public enemy, strikes or labor disputes, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of the city. When it is necessary for the city to make repairs to or change its plant, transmission or distribution system, meters or other property, it may, without incurring any liability therefor, suspend services for such periods as may reasonably be necessary. Interruptions of service shall not render the city liable for any pro rata reduction in base rate charges or flat rate surcharges.

Rule 9. Unnecessary Waste ~~Of~~ Water. Water will not be furnished where there are defective or leaking faucets, closets, or other fixtures, and when such may be discovered, and if not repaired after reasonable notice is given, the supply will be shut off by the city until the proper repairs are made. Consumers must prevent the unnecessary waste of water and keep all water outlets closed when not in use. Irrigation must be conducted in a manner so that water is not running down the street. When deemed necessary by the city, it may instruct water users to flow the line to prevent freeze up during inclement weather. The consumer shall ensure adjustment of the stream of discharged water so that a minimum amount of water will be discharged.

Rule 10. Service Lines; Corrosion ~~Or~~ Leaking. Consumers making connections with the water mains are required to ~~adhere to current, approved engineering standards, use copper pipe of the best quality for the service line from the main to the curb stop; provided, however, that t~~The city reserves the right, ~~if it becomes necessary~~ because of apparent corrosion or leaking, to require that ~~any~~ service ~~line~~ ~~pipe that is~~ corroded or leaking be removed and replaced. Such replacement and maintenance of ~~the~~ service ~~line~~ ~~pipe~~ shall be at the consumer's expense.

Rule 11. Private Hydrants; Irrigation Hydrants Prohibited. No private hydrants shall be located within the street lines or in any place of easy access to the public. Privately owned irrigation hydrants existing and connected to dedicated service lines prior to May 1, 1999, will not be metered. The charge for each irrigation hydrant will be a flat rate monthly surcharge to the property owner. New connection, reconnection, or alteration of connection of irrigation hydrants to any point on a water user's service line upstream of the water meter location is prohibited. After May 1, 1999, new connection or reconnection of irrigation hydrants to any dedicated water service line is prohibited.

Rule 12. Nonliability ~~o~~~~f~~ ~~The~~ ~~the~~ City ~~Fo~~~~r~~ ~~Service~~ ~~Lines~~ ~~A~~~~n~~~~d~~ ~~and~~ Repairs. The city will not be responsible for service lines and fixtures. Owners must keep service lines and fixtures from the city mains in good working order and properly protected from frost and other dangers at their own expense. The city shall not be responsible for the failure of any service line or fixtures or for any failure in the supply of water. No reductions from the regular rates will be made for any time that service lines or fixtures are out of commission due to frost.

Rule 13. Restriction ~~O~~~~f~~ Water Use. The city reserves the right to forbid, limit, or suspend the use of water for irrigation, sprinkling, washing of vehicles, or other similar uses. When ~~in the judgment of the mayor of the city~~ it becomes necessary to protect the public health, safety, and general welfare, the mayor may by written executive order, which shall be filed with the city clerk, direct such time or times for irrigating or sprinkling as ~~he may deemed~~ fit and proper in the best interest of the city. All such executive orders when written and signed by the mayor and on file with the clerk and after giving notice through publication shall have the same force and effect as if set forth in full in this chapter and any violation of such terms of such executive order shall be punishable as a violation of this chapter until such executive order expires or is rescinded by either the mayor or a majority vote of the city council.

~~—Rule 14. Water Restriction During Alarms Of Fire. During alarms of fire, the use of hose, yard fountains, and all other outlets where a constant flow of water is maintained is strictly forbidden.~~

Rule ~~14~~~~5~~. Irrigation - Size. Unless otherwise approved by the city, the inside diameter of hose or pipe used for irrigating or sprinkling lawns or gardens must not exceed three-fourths inch (3/4"). All such hose or pipe when in use must be equipped with standard type water nozzle, spray, or sprinkler attachments.

Rule ~~15~~~~6~~. Water ~~Fo~~~~r~~ Construction Purposes. Contractors, builders, or owners wanting water service for building or other non-potable purposes are required to make application for a permit to the city. The amount to be charged~~paid~~ shall be equal to the current varied rate~~payable~~



~~in advance~~ and metered or based upon the quantity of water ~~to be used as~~ or estimated by the city.

Rule ~~1617~~. Tapping Water Mains.

A. Person Authorized. No person other than an authorized plumber currently licensed by the state of Montana or an authorized agent of the city shall tap, connect with, or make a perforation or opening of any kind in any main or distributing pipe of the city water system. No person is allowed to make a connection with the city main or make a connection in any conduit, pipe, or fixture connecting therewith, or to connect any pipe when it has been disconnected, or to turn water off or on any premises without written permission of the city.

B. Permit Required. Any person wanting to tap into the city water system shall apply to the city for a permit to tap to the main or other pipe before laying any service or other water pipe. The permit shall apply to the state the exact location at which the main or other pipe is to be tapped. Service pipes, ferrules, stopcocks, and other fixtures shall be installed as per current approved city engineering standards and located as per engineering drawings by reference to street and lot corners on forms furnished approved by the city.

C. Failure To Obtain Permit Declared Unlawful. It shall be unlawful for any person, either as owner, or as an agent or employee of the owner, or as an independent contractor, to tap or connect to any city water main of the city until written application therefor has been approved by the city and an appropriate permit is issued, and all tapping charges paid.

D. Permit Fee. Uniform fees for a permit for tapping city water mains shall be collected by the city clerk in the amount of ten dollars (\$10.00) and must be paid in advance of any tapping.

E. Tapping Charge. Any person desiring to make connection to the water mains of the city must pay for the cost of tapping in advance, the following amounts:

**Service Tap Sizes Are Nominal Pipe And Corporation**

<b>Cock Diameters</b>	<b>Tapping Fee</b>
3/4" service tap <u>or 1" service tap to 3/4" meter</u>	\$ 200.00
1" service tap <u>to 1" meter</u>	350.00
1 1/4" service tap	500.00
1 1/2" service tap	750.00
2" service tap	1,000.00

For service lines exceeding two inch (2") nominal diameter, the fee for a two inch (2") service will be charged, plus an additional one thousand dollars (\$1,000.00) for each inch over two inch (2") diameter. The one thousand dollar (\$1,000.00) per inch charge will be assigned pro rata for fractional nominal pipe sizes.

F. Workmanship ~~Of~~ Plumbers. Plumbers failing to perform their work according to the established rules, ~~and~~ regulations, and current approved city engineering standards, or executing

~~it their work~~ unskillfully, or ~~causing to the~~ damage ~~to of~~ the city waterworks, ~~shall may~~ be ~~prohibited/debarred~~ from making connection with the city mains, by order of the city.

G. Backflow Prevention ~~And~~ Cross Connection Control. If the city determines that it is necessary to protect its water system against contamination or pollution resulting from backflow of objectionable materials from the water user's premises or water service, the city ~~shall may~~ require the installation of backflow prevention devices. The type of device used shall be determined by the city, and the property owner shall pay all costs related to the installation of such device. The property owner shall also be responsible for the maintenance of backflow devices so installed.

Rule ~~1748~~. Water Meter Installations.

A. Water meter equipment and installation costs shall be borne as provided herein, according to the date of construction completion and connection of water service. Costs so borne shall include the meter, readout device, connection between the meter and readout device, meter pit if required, and plumbing connections to incorporate the meter into the water user's service line at a point inside the structure, or in a meter pit, if used.

B. Water meter equipment and installation costs exclude any underground piping, underground connection, service line extension or relocation costs, or costs of replumbing within the structure needed to comply with city ordinances. Excluded costs shall be borne by the water user, irrespective of the date of structure construction or service connection.

~~C. The cost of water meter installation for all structures constructed and served (or property served) as of May 1, 1999, shall be borne by the city.~~

~~C~~D. The cost of water meter installation ~~for all structures or property newly served after May 1, 1999,~~ shall be borne by the water user. All metering equipment and appurtenances, the cost of which is borne by the water user, shall meet the city's standard for such materials and installation.

~~D~~E. Installation of water meters shall in all cases be made by the city or a plumber currently licensed by the state of Montana and authorized by the city.

~~E~~F. ~~All meters will bear a seal approved by the city. The breaking of this seal by a person (other than the city or its agents) or other~~ ~~A~~acts of meter tampering, are prohibited and will be grounds for discontinuance of service by the city and/or criminal prosecution. The water ~~permittee-user~~ shall be responsible for all damage to or loss of the city's water service related property, ~~including the meter and radio,~~ located upon the premises being served, unless caused by the negligence of the city.

~~F~~G. Duly authorized employees and agents of the city shall have access at all reasonable hours to the premises of the water user for purposes of installing, reading, testing, removing, or replacing water meters and appurtenances, and for other purposes incidental to the supplying of water service. Only employees or agents of the city are permitted to inspect or handle the city's water service related property.

Rule ~~1819~~. Water Meter Location ~~And~~ Installation.

A. Water meters and any readout equipment associated therewith shall be and remain the property of the city. Water meters shall be located per current approved city engineering standards. ~~inside of a frost protected, permanent structure as near as practical to the point of entry of the water service line into the structure. Meter locations may be in the basement, crawlspace, or ground floor of the structure or approved meter pit. In no case can the meter be located downstream of any pipe branch line inside the structure.~~

~~B. Water meters for mobile homes and properties without structures served for irrigation purposes shall be located in buried meter pits meeting the city's standards for construction and installation. Meter pits less than four feet (4') diameter shall be designed to permit meter removal without entering the pit. All pits shall be protected against inundation of the meter by runoff or seepage water and shall include shutoff valves upstream and downstream of the meter.~~

BC. Water meter readout devices, the cost of which is borne by the water user, shall be provided for all meters; and shall meet the city's standard for such equipment and installation. ~~Radio read devices shall be located and oriented as determined by the city to maximize the radio signal transmission path to the primary street adjacent to the property. Touch read devices shall be located on the exterior of the structure between thirty (30) and forty two inches (42") above ground level. Touch read devices shall be located on a side wall of the structure, within five feet (5') of the front corners of the structure.~~

Rule ~~1920~~. Right ~~Of~~ Entry ~~For~~ Inspection ~~By~~ City Employees. The city's agents or other authorized persons shall have free access at reasonable hours to all parts of any structure and premises to which water is provided by the city for the purpose of inspecting the condition of the pipes and fixtures and investigating the manner in which the water is being used.

Rule ~~2024~~. Prohibited Acts. The following acts are strictly prohibited:

A. To use the city water or permit it to be used for any other purpose than that for which the party has made application.

B. To permit water pipes or fixtures to remain in a leaky condition.

C. To allow water to run through fixtures when not being used for the purpose intended.

D. To open, close, turn, or interfere with, or attach to, or connect with any fire hydrant, stop valve, or ~~curb stopstopcock~~ belonging to the city unless prior approval is granted by the city.

E. To disturb, meddle with, or damage any pipe, materials, implements, machinery, tools, shutoff boxes, or any other property of the city's waterworks system.

F. To deface or injure any structure, dam, reservoir, or other improvement of the city's waterworks system.

G. To place any foreign thing or deleterious matter upon the grounds or in the water supply of the city waterworks system.

H. For any person to fill any tank or container having a capacity of more than five (5) gallons and used for the transportation of chemicals or solutions of chemicals of any kind whatsoever with water obtained directly from any water source connected with the city water system including, but not limited to, public, private, or domestic standpipes, hydrants, taps, pipes, or hoses, unless the same have been equipped with a backflow preventive device approved and inspected by the city. The foregoing shall not prohibit any person from filling such containers with water obtained directly from the city water system by means of a second or intermediate container, or at water sources in the city specifically designated and approved by the city for the filling of containers used for the transportation of chemicals or solutions of chemicals.

I. To provide water service or water conveyance by pipe or hose to another individual, entity, or property, including irrigation use.

J. To extend water conveyance facilities across or under a street, alley, public right of way, or property line in order to obtain a rate advantage by taking water service for two (2) or more properties through one source or meter.

Rule ~~2122~~. Water Service Line Installation. When permission has been granted to lay water pipes within the street lines, all trenches shall be refilled in a careful manner and thoroughly compacted so as to replace as nearly as possible all material excavated. All surplus materials must be removed when work is completed and any refilling of trenches necessary to maintain the roadway in good condition must be done by the property owner at ~~their~~~~his~~ expense. All such work must comply with applicable city and state standards.

Rule ~~2223~~. Excavations. Excavations within the street lines shall be made in such manner as to impede traffic as little as possible. ~~and~~ ~~The~~ ~~public works director~~ ~~city~~ may determine and limit the time such excavations ~~are allowed to~~ ~~may~~ remain open, and if unnecessarily delayed, ~~shall~~ ~~he~~ ~~may~~ direct ~~the excavations to a timely~~ ~~that the force be increased to such an extent as will hasten the work to~~ completion. Flashing caution lights must be maintained upon all unfinished work at night from sundown to sunrise, and sufficient barricades shall be in place at all times until the work is completed.

Rule ~~2324~~. Completion ~~Of~~ ~~of~~ New Work. In no case shall anyone, after completion and test of new work, leave the water turned on the premises, but shall in all cases turn the ~~curb~~ ~~stop~~ ~~stop~~ ~~peek~~ before leaving.

Rule ~~2425~~. Rule Making Authority; City Inspection ~~Of~~ ~~of~~ Work ~~And~~ ~~and~~ Materials. The city may adopt such rules and regulations as it deems necessary to provide and ensure proper protection and inspection of mains and service lines, and no materials shall be used until the same has been approved, and no lines shall be covered until inspected and approved by the city.

Rule ~~2526~~. Owner Responsibility ~~For~~ ~~for~~ Payment; Delinquency Shutoff. ~~The water rates shall be charged against the property on which it is furnished and against the owner thereof, and if for any cause any sums owing therefor become delinquent, the water shall be shut off from the property and in no case turned on again until all such delinquencies have been paid in full. No change of ownership shall affect the application of this rule.~~

Rule ~~2627~~. Books ~~Of~~ Accounts; Billing. All accounts for water shall be kept in the name of the owner of the property only, or ~~their~~ legally authorized agent, and not in the name of any tenant. The owner shall be held responsible for payment of the water rates. Water service charges will be billed on a monthly basis. Payment is due upon receipt of the bill, and will be considered delinquent if not paid within thirty (30) days of billing.

Rule ~~2728~~. Shutoff ~~Of~~ Water ~~By~~ City; Water Service Line Turn Off/On. On failure to comply with the rules and regulations established as a condition to the use of water, or to pay the water rates or any charge or penalty imposed, in the time and manner herein provided, the water may be shut off until full payment of the amount due is made, together with a fifty dollar (\$50.00) reinstatement fee. First time offenders shall have the reinstatement fee waived. Water service line curb valves will only be operated by the city, unless written authorization is granted by the city. There shall be assessed a twenty five dollar (\$25.00) fee for turning the water on or off. Water service line turn ons/offers will be made by the city only with twenty four (24) hour advance notice, excluding weekends and holidays, and contingent on prior payment of the twenty five dollar (\$25.00) turn off fee.

Rule ~~2829~~. Water Main Shutoff. Should the owner or occupant of the premises turn on the water, or cause it to be turned on after it has been shut off at the curb stop, the water will be turned off at the main, ~~and with all associated costs borne by the water user, a charge of one thousand dollars (\$1,000.00) made for the expense of turning it off and on,~~ payable before the water is turned back on.

Rule ~~2930~~. Discontinuing Service. Should it be desired to discontinue or abandon the use of water, written notice thereof shall be filed at the office of the city clerk. It shall be the responsibility of the owner to disconnect the water service upon discontinuance, abandonment, or nonuse at the point of connection with the public main in such a method acceptable to the city. Should the owner fail to satisfactorily disconnect such service, the city may make such disconnection and charge the owner the actual cost thereof. Rates will be charged until such notice is given and all arrearages paid.

Rule ~~3034~~. Interest Assessed On Past Due Accounts. Any unpaid water bill that is more than thirty (30) days past due shall have assessed against its interest at the rate of one and one-half percent (1.5%) per month. Accounts which are ninety (90) days past due may become a lien on the real property and filed with the county recorder. All filing and attorney costs will be included in the amount to be collected from the real property owner.

Rule ~~3132~~. Penalty. Any person violating a rule or regulation of the waterworks system shall be deemed guilty of a misdemeanor and may be fined not more than five hundred dollars (\$500.00) and have ~~their~~ water turned off. In no case shall the water be turned on again until the fine has been paid and any violation corrected. (~~Ord. 216, 5-18-1999~~)

### 8-3-2: DUTIES OF POLICE:

It shall be the duty of the chief of police to give vigilant aid to the ~~public works director~~water commissioner in the enforcement of these rules and regulations and to this end, ~~the chief of police~~ shall report all violations thereof which come to ~~their~~his ~~attention~~knowledge, to the ~~public works director~~water commissioner. (~~Ord. 44, 1-2-1930; amd. 1980 Code~~)

### 8-3-3: WATER RATES:

A. The City shall implement and modify a fair and reasonable system of rates and charges for the municipal water system by resolution of the City Council duly adopted after a public hearing with notice thereof given as required by law. (Ord. 276, 10-5-2021)

B. Water user charges shall include a base rate charge per calendar month, according to the nominal size of water meter installed. Water service line size may be different than water meter size, and service line size or type of water service will not be the basis for the base rate charge.

C. The base rate is charged irrespective of the amount of water use recorded on the meter; ~~unless the service has been shut off by the city. The property owner or agent will be required to pay the base rate for water during periods of complete nonuse of premises to meet debt obligation. For new construction, water service charges shall start after initial testing if curb stop is left on or upon initial occupancy when curb stop is turned on.~~

~~Base rate charges may be discounted fifty percent (50%) at the discretion of the city during periods of unoccupied or unused status of the structure or property served, including seasonal nonuse, seasonal vacancies, and unoccupied rental, "for sale" or "in estate" property. Eligibility for such discounts requires that the following four (4) conditions be met:~~

- ~~—1. The account for the water user must be current and paid in full; and~~
- ~~—2. Written notice fully describing the upcoming unoccupied status must be received by the city prior to consideration for the discount. The date for return to occupied, active water use status must also be specified in the notice; and~~
- ~~—3. The structure must be unoccupied and the water service unused on the first and last day of any month considered for discounted base rate charges; and~~
- ~~—4. No water use can be measured on the water meter during any month considered for discounted base rate charges. If water use is recorded during the month, full base rate charges apply.~~

D. Water user charges shall also include a varied rate charge, based on the metered amount of water used as recorded by the water meter.

E. To reduce the risk of freezing the city's mains or service lines connected to shallow mains, the city may issue written permission to ~~individual~~ water users to maintain slight flows through their service line. For users in possession of such written permission, ~~during the winter of 1999-2000, the city will base the monthly varied rate charges during such periods on the historic water usage by the user during the month immediately prior to the implementation of freeze deterrent~~

~~flows. During subsequent winters,~~ the city will base the monthly varied rate charges during such periods on the average of the past consecutive years' historic water usage by the user for the ~~same prior~~ month, not to exceed a three (3) year average.

F. ~~Reserved (Ord. 276, 10-5-2021)~~ Unintentional high water usage may, at the discretion of the public works director, be adjusted. Any single adjustment or multiple adjustments for the same property over \$100 shall be approved by the city council.

G. No base rate or varied rate water use charges shall apply to fire hydrants nor water used from such hydrants for emergency firefighting or uses otherwise authorized by the city. No water use charges shall apply to dedicated private fire protection lines used for fire suppression sprinklers or other fire protection flows, provided such lines have detector type check valves inside the structure. No water use charges shall apply to water used from such fire protection lines for emergency fire suppression or uses otherwise authorized by the city. ~~(Ord. 216, 5-18-1999)~~

#### 8-3-4: CONSTRUCTION COSTS:

A. The costs of construction for mains, exclusive of service lines, shall be kept on record ~~in the engineer's office and a copy in the treasurer's office~~ with the city clerk. A record shall be kept in the water department ~~of a map~~ showing mains, services and the length and size of mains or pipes, together with supporting data and date of completion. The city shall own all mains of any extension and will maintain them.

B. Applicants for extension of main service shall pay the cost of such extension which shall be determined by the distance from the starting point (the main from which the extension is made) to the point of tap off for the applicant's service pipe. Provided however, in the event an area in the city which has not theretofore been served by main line service, has developed, the city council, in its discretion may, upon petition of a majority of the owners in the developed area to be served, and upon finding that funds are available, authorize the extension of main service to such area and such construction costs shall be paid by the city.

C. No consumer who made an original contribution will receive more total refund than ~~their~~ original contribution. After ~~ten~~ five (105) years from the date of the original extension no refund will be made to any consumer who made a contribution. A consumer who made a contribution and failed to be a continuous consumer within the ~~ten~~ five (105) year period forfeits all right to refund. If, within ~~ten~~ five (105) years from the date of the original extension the city finds it necessary or desirable to make an extension or connection known as a loop feed, no refunds will be made after such improvement is made. ~~(Ord. 155, 10-2-1984)~~

#### 8-3-5: CONFLICTING PROVISIONS:

If any of the provisions of this chapter shall be in conflict with the rules of the public service commission, then the rules of the public service commission shall prevail. (Ord. 44, 1-2-1930)

8-3-6: WATER SERVICE AREA:

A. Adoption of Service Area: The official water service area for the city is that area of the city within the boundaries of the city and currently served by city water, any areas presently served outside the city and any subsequently approved amendments thereto.

B. Map: A map depicting the water service area adopted herein, and any enlargements that may be from time to time approved by the city council, shall be made available at all times for public inspection during regular working hours at city hall.

~~C. Description: The description for the service district is legally described as consisting of the following:~~

~~1. The current Townsite of East Helena, as amended.~~

~~2. All of Lot numbered Three (3) in Section Thirty One (31) and that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section Thirty One (31), all in Township Ten (10) North of Range Two (2) West, described as follows, to wit:~~

~~Beginning at a point on the north boundary line of said forty (40) acre tract distant 8.63 chains west of the northeast corner thereof, and running thence west to the northwest corner of said forty (40) acre tract, thence south along the western boundary line of said forty (40) acre tract to the southwest corner thereof, thence east along the south boundary line of said forty (40) acre tract to a point distant 8.63 chains west of the southeast corner of said forty (40) acre tract, thence north parallel with the east side line of said forty (40) acre tract to the place of beginning; the two (2) tracts containing 60.55 acres, more or less; excepting from the operation of this grant so much more thereof as was conveyed to the Helena and Jefferson County Railroad Company by deed dated October 6, 1883, and recorded November 12, 1883, in Book 2 of Deeds on Page 414, of the records of said Lewis and Clark County; this grant is also subject to a certain deed dated January 18, 1901, recorded January 22, 1901, in Book 50 of Deeds at Page 402, of the records of said Lewis and Clark County; this grant is also subject to a certain agreement dated June 27, 1904, and recorded in Book 57 of Deeds, at Page 63, recorded June 27, 1904, records of Lewis and Clark County; subject further, to that certain reservation of undivided fifty percent (50%) interest in all mineral rights in and to said property by conveyance appearing of record; and hereby giving and granting unto Second Party, its successors and assigns, all water and water rights, ditches, flumes, reservoirs, aqueducts and privileges upon, connected with or usually had or enjoyed in connection with said described premises, including without limitation, those certain rights to seventy five inches (75") of water from Prickly Pear Creek first filed upon June 1, 1866, and, also, that certain right to thirty five inches (35") of water from Prickly Pear Creek first filed upon January 1, 1869. Deed Reference: Book 280, Page 572.~~

~~3. Commencing at a point in the northern boundary of the Northern Pacific Railway, which is also a point in the East side of the present County road crossing, from which point the quarter corner section former [sic] between Sections 30 and 31, T. 10 N., R. 2 W. bears N. 19° 30' W. 722 feet; thence northeasterly 417.4 feet to a point; thence southeasterly 417.4 feet to a point;~~



~~thence southwesterly 408 feet to a point in the northern boundary of the right of way of the Northern Pacific Railway; thence northwesterly along the right of way fence of the Northern Pacific Railway on a curve of about 1,900 feet radius, 141 feet; thence northwesterly along said fence 276.5 feet to place of beginning, containing in all 3.985 acres, more or less. Deed Reference: Book 65, Page 196.~~

~~(Ord. 183, 10-1-1991)~~

#### 8-3-7: PRIVATE WATER WELLS PROHIBITED; DEFINITION; PENALTY:

A. Prohibition: Each of the following is prohibited within the East Helena water service area:

1. The drilling or activation of a private water well.
2. The reactivation of an existing, inactive private water well.
3. The change of use in any fashion of a preexisting private water well.
4. The transfer, delivery, or distribution of water via a water transportation system or device into the East Helena water service area from a private water well located outside of the water service area.

B. Definition: A "water well" is defined as any digging, drilling, or excavation, by hand or by the use of machinery or equipment, whereby water is obtained from under the surface of the ground to be used on or above the ground surface for irrigation, manufacturing, commercial, noncommercial, human or other consumption purposes, regardless of whether or not such proposed use is potable.

C. Penalty: Any person convicted of a violation of any provision of this section shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day on which any such violation shall occur or continue shall be deemed a separate and distinct offense. (Ord. 227, 9-2-2003)

Section 2. This Ordinance shall be effective thirty (30) days after the date of its final passage and approval.

First passed by the Council of the City of East Helena, Montana, and approved by the Mayor, the 21st day of December, 2021.

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James Schell, Mayor

ATTEST:

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Amy Thorngren, City Clerk/Treasurer

Finally passed by the Council of the City of East Helena, Montana, and approved by the Mayor, this 4th day of January, 2022.

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Kelly Harris, Mayor

ATTEST:

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Amy Thorngren, City Clerk/Treasurer