

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1262


**AN ORDINANCE AMENDING ORDINANCE 1073 AND
REVISING "ADMINISTRATIVE RULES AND REGULATIONS
OF THE PUBLIC UTILITY DEPARTMENT OF THE CITY OF
MILES CITY"**

BE IT ORDAINED, by the City Council of the City of Miles City, Montana,
as follows:

Section 1. *Administrative rules.* There is hereby adopted a revised
"Administrative Rules and Regulations of the Public Utility Department of the
City of Miles City" as set forth in Exhibit "A" attached hereto and
incorporated herein by this reference.

Section 2. This Ordinance shall become effective thirty (30) days
after its final passage.

Said Ordinance read and put upon its passage this 11th day of
March, 2014.


C. A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 25th day of
March, 2014.


C. A. Grenz, Mayor

ATTEST:


Lorrie Pearce, City Clerk

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EXHIBIT "A"
To Ordinance No. 1262

**Administration Rules of the City of Miles City
Water and Sewer Services, Accounts, Delinquencies and
Termination**

1.0 General

- 1.1 Intent and Purpose. The intent and purpose of these rules and regulations is to provide the residents of the City with efficient and economical water and sewer service, and to clearly establish a policy for providing these services to the users (customers) of this system.
- 1.2 Authority. These rules and regulations are enacted pursuant to the authority granted the City under Montana codes and City of Miles City municipal codes and administrative rules. These include **MCA 7-13-4304-4313**.
- 1.3 Reference. Also applicable is the Miles City Code- **Ch. 23 Articles II and III**.
- 1.4 Jurisdiction. The jurisdictional area of these rules and regulations shall include all areas within the corporate city limits, and any other locations where users are provided water or sanitary sewer service by the City of Miles City.
- 1.5 Application. These rules are hereby made part of a Contract with every customer which is provided water and sewer service. Every customer making application for such service or accepting such service, shall be bound by the rules herein.
- 1.6 Access. Access to a customer's premise is authorized at all reasonable hours by City staff to all parts of the building or premise where water is delivered or sewer service is provided for the purpose of inspecting the condition of pipes and fixtures, servicing the meter, monitoring, or turning on or off water or sewer service. Notice shall be given for such access, except notice will not be required in an emergency situation.
- 1.7 Payment for Service. Montana law prohibits a municipality from providing water or sewer service to anyone without receiving payment for such service.

2.0 Agreements

The following agreements pertain to providing water and sewer service to individual customers.

- a. **Customer Information Sheet** - Required of all customers when they request service.
- b. **Contract For Services** - Required of all customers when they request service.
- c. **Landlord Rental Agreement Form**- Required by all landlords if they wish the City to bill the tenant or renter.
- d. **Agreement For Payment Of Past Due Accounts (Contract)**- Required when full payment of a delinquent amount cannot be made immediately.

In addition to Agreements a and b above, all appropriate hookup, connection, and turn on fees must be paid prior to commencing service.

3.0 Service Lines

The following items pertain to the water and sewer service lines:

- a. The customer shall own both the water and sewer service lines in their entirety, from the point-of-usage to the City water curb stop and to the sewer main. The customer shall keep their service lines in a good state of repair.
- b. The City shall own from the curb stop to the water main and the meter and associated meter readouts. The user shall provide an acceptable location for and easy access to the meter.
- c. All other appropriate administration rules and City ordinances shall apply, including those relating to excavation in the streets, asphalt and concrete surface repairs, bonding for plumbers and excavators, and sewer use.

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- d. All taps on City water mains shall be made by the City.
- e. All sewer taps shall be by a licensed plumber.
- f. All excavation shall comply with OSHA regulations and City SOP #91.0900
- g. All water and sewer service materials and methods of installation shall comply with the Uniform Plumbing Code.
- h. All excavation and installation or repairs to service lines shall be inspected by the City prior to covering them.
- i. Access is to be provided to the meter and meter readout at all times.
- j. If the curb stop does not work or is not accessible, it shall be repaired at the earliest convenience to an operating condition or relocated to where it is accessible. This is the responsibility of the City.
- k. The customer shall be responsible for all damage and necessary repair to the water and sewer service lines and for any resulting property damage from leaks or breaks of these lines. No claim shall be made against the City due to any damage resulting from the water or sewer service lines, or for any failure to provide water or sewer service.
- l. If a leak is found in the street and is doubtful whether the water is from the City main or the customer service line, the City will determine where it is from. This may involve excavation to the leak. If the leak is found to be from the main, or service line to the curb stop, the City will make all repairs but if it is found to be the service line, after the curb stop, the customer will be notified immediately and must take charge of the excavation, repair the leak, replace the street and be responsible for all damages which may result. If the customer does not make the repairs at once, the City will proceed and bill all labor, equipment and materials against the property. In the event that this bill is not paid, it shall be handled per Sections 5.0 and 6.0 of this rule.

4.0 Landlord/Tenant

The landlord has the ultimate responsibility for the payment of charges for water and sewer services to a property. The City will bill the tenant for these services provided the **Landlord Rental Agreement Form** has been properly completed by the landlord. The tenant must sign a Contract for Service and make a deposit if they are to be billed.

The final bill for all tenants will be sent in care of the landlord, with a courtesy copy to the tenant. The landlord will then have the thirty days to pay the final bill, and all past due charges left by tenant. If charges are not paid on the service address that the charges were accrued the process in section 5.0 will then be followed.

5.0 Delinquencies

Payment for water and sewer charges are due when billed and become delinquent after 30 days from the date of the bill.

At 30 days past due (60 days from the billing date), a **Past Due Notice** will be sent to the customer, as well as the landlord, if **Landlord Rental Agreement Form** has been signed. This notice will be sent out by regular first class mail. It shall state the amount due and that service will be discontinued if payment is not received within 10 days of the date of the postmark or a written agreement is reached regarding the payment.

If payment is not received within 10 days, a door hanger **Forty Eight Hour Final Notice** will be sent out to the customer and or landlord, stating terms of the **Past Due Notice** were not met prior to disconnect date. Service will be disconnected in forty eight hours. The notice shall state the date shut off is scheduled, balance due, any deposit required on account, \$20.00 late payment penalty fee, and total amount due. The \$20.00 penalty fee will be charged to the account the day after the **Past Due Notice** states payment is due. Penalty fees apply to tenant only and will not be passed on to the landlord of the property. Service will then be terminated unless payment is received or an **Agreement for Payment of the Past Due Account** form is arranged between the City and the customer and or landlord. Once service is disconnected for non-pay, a \$35.00 (Re-Connect Fee) Section 6.0, will be added to total amount due. Re-connect fees apply to tenant only and will not be passed on to the landlord of the property. Such notice shall be delivered in person to the account holder or posted in a prominent place at the residence receiving service. The notice shall show the date of its delivery or posting.

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A customer has the option to make payment arrangements with the City for past due amounts through an **Agreement for Payment of Past Due Accounts** form, so long as service has not yet been disconnected. If the customer has a \$20.00 late payment penalty fee, or a deposit required on their account, this amount must be paid before making the agreement for payments, and may not be added into the total past due amount on this form. Payment plans will not exceed 6 months unless approved as discussed under Section 10.0. When a delinquent amount is being paid off over time, the current bill must be paid by its due date or the service can be disconnected without further notice. The monthly payments shall be at least \$20 per month plus the current bill. If payments under the **Agreement for Payment of Past Due Accounts** are not honored by the customer, services will be terminated without further notice. Once service is terminated, it will not be restored until the entire balance is paid, along with Re-Connect Fee, Section 6.0. Customer must be actual account holder/ or spouse to make arrangements using this form. If a tenant signs an **Agreement for Payment of Past Due Accounts** form, and defaults on payments, the account will be finalized and past due balance will transfer to landlord responsibility. Landlord will be sent a copy of the **Agreement for Payment of Past Due Accounts** form.

Payments must be made to City Hall water department. Payments will not be accepted by field staff.

As allowed by **MCA 7-13-4309**, a delinquent water or sewer charge may become a tax lien upon the real property, at the discretion of the City. The City may utilize a collection agency to recover past due amounts as they deem appropriate.

Any other bill regarding water or sewer services, such as a turn-on or turn-off fee or repairs, may be handled in the above manner relating to water or sewer service.

6.0 Discontinuation of Service

Disconnections may include shutting off the curb stop and/or as allowed by **MCA 7-13-4309** delinquent water or sewer charges may become a tax lien upon the real property, at the discretion of the City. The City may utilize a collection agency to recover past due amounts as they deem appropriate.

A **Termination Notice** may be hung on a residence door, if the City does not have a current contract for service. This notice prompts the new resident to come sign up for new service with the City Water Department.

If Water/Sewer Services are terminated due to non-pay, a \$35.00 Re-connect Fee will be charged as well as the entire past due balance stated in Section 5.0. The \$35.00 Re-connect fee and all other charges must be paid before service is turned back on.

Service may be discontinued if payment is not received or an Agreement for Payment is not made after the time frames presented in Section 5.0. Service may also be discontinued immediately as stated in Section 9.0 for violation of any unlawful acts.

A 10-day notice for disconnection may be given for failure of a customer to maintain his water or sewer service line or other appurtenances in good repair, provided the notice describes the deficiency that the customer must rectify.

The City also reserves the right to temporarily shut off water service at any time without notice for the purpose of making repairs or extensions to their system.

7.0 Deposits

An initial deposit of \$150.00 will be assessed for new accounts. This initial deposit will be waived if adequate references, Letter of Credit, are provided for utility services (either water or sewer services or another utility). This deposit will be held for one year and if all payments are made within 30 days of the bill, the deposit will be applied to the latest bill, or applied to final bill. Any amount left over after the final bill is paid gets refunded.

If service has been disconnected and finale, meaning the previous hundred and fifty dollar deposit has already been applied to account, a \$200.00 minimum deposit will be required to have services restored, as well as all past due balances paid in full. If a deposit

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is required after the termination of service a second time, and the deposit has already been applied, the minimum required deposit is \$250.00.

No interest will be paid on deposits.

8.0 Turn-on/Turn-off

Services can be turned on or off by the City either upon request should the home or building be temporarily vacant or repairs needed or as allowed under Section 6.0. There are no fees to turn- on/ turn-off for the initiation of service or because repairs are needed if it is during normal business hours. After hour call outs for service will be billed to customer. If it is shut off for non-pay as stated in Section 5.0, there is a \$35.00 Re-connect Fee.

Only the City may operate the curb stops. The City will not be liable for any damage to persons or property that may result by turning on or off a service.

9.0 Unlawful Acts

Unlawful acts include:

- Violation for noncompliance with any applicable federal, state or local laws, rules or regulations.
- Unauthorized tampering with the meter, curb stop, or other part of water or sewer service line.
- Non-compliance with the sewer use ordinance.
- Maintaining a cross connection or allowing the entry of non-potable water into the City water system.
- Failure to fulfill contractual obligations for service.
- Failure to permit reasonable access to the meter, curb stop or other equipment or areas of the premise related to water or sewer service.
- Extending water or sewer service to another building or location without receiving permission.
- Intentionally damaging or breaking the seal on a meter.
- Operating the curb stop, or making any change in the water or sewer service connection without permission of the City.

Service may be discontinued immediately upon committing an unlawful act. The penalty for committing an unlawful act includes the turn-on fees and deposits discussed above or any other recourse allowed the City under state and local laws, rules or regulations.

10.0 Appeals

If a customer wishes to appeal any decision relating to water or sewer service, they must make this appeal in writing and present it to the City Clerk. The Clerk, in consultation with the Mayor, Utilities Director, and Utility Billing Clerk will make an initial determination on the appeal. If the customer is not satisfied with the response, they may appeal their issue to the Finance Committee of the Council.

Similarly the City Clerk, in consultation with the Mayor, Utilities Director, and Utility Billing Clerk may make other reasonable terms for payment of a past due account should the procedures outlined above not be sufficient. They may extend the agreement for payments up to an additional 90 days. Any extension past 3 additional months shall be approved by the Finance Committee as a special hardship case. Any forgiving of an amount owed shall also be by the Finance Committee. If the matter goes to the Finance Committee, the customer shall attend the meeting if requested.

The appeals process shall not extend any deadlines for termination of service or making payments. Therefore all required payments must be made during the appeal process.

There may be only one appeal of an overdue balance on an account and no appeal for failure to make timely payments.

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AGREEMENT FOR PAYMENT OF PAST DUE ACCOUNTS
CITY OF MILES CITY

CUSTOMER: _____

LANDLORD: _____

SERVICE LOCATION: _____

ACCOUNT: _____

I agree to pay the **PAST DUE** balance of \$ _____ on the above account number as follows:

1. Payment in **full** on **OR** before _____
2. In addition to a portion of the **PAST DUE** balance, I agree to pay the **current balance** of my account by or on the due date of the current monthly bill.

PAST DUE	AMOUNT	DATE PAID	CURRENT BILL	AMOUNT
DUE DATE	DUE	DUE DATE	DUE DATE	DUE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

DATE: _____

CUSTOMER SIGNATURE: _____

APPROVED BY: _____

IF SERVICE IS TERMINATED, THE CUSTOMER (OR LANDLORD) WILL BE RESPONSIBLE FOR THE ENTIRE AMOUNT DUE INCLUDING A RECONNECT FEE OF \$35.00, PLUS A DEPOSIT OF \$150.00 if account has not been finalized (after ten days off), and \$200.00 Deposit if it has, etc as per sec 7.0 of the Administration Rules of the City of Miles City.
A COPY OF THIS AGREEMENT WILL BE SENT TO YOUR LANDLORD.
IF THIS AGREEMENT IS NOT HONORED BY THE CUSTOMER, SERVICE WILL BE TERMINATED WITHOUT FURTHER NOTICE.

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LANDLORD RENTAL AGREEMENT FORM
CITY OF MILES CITY

Date: _____
Owner Name: _____
Phone #: _____ Work #: _____
Owner's Mailing Address: _____

I, _____, owner of the below mentioned property/ies, request the City of Miles City to bill my tenant/ s for City Utility services.

I understand that the City will not begin or continue billing my tenant/s until the City has received this written request, as well as a signed Contract for Services, and deposit received by the tenant. I also understand that the City will read the meter at the earliest opportunity upon receiving a contract from a new tenant. The termination date for my account will be the date the meter is read.

I do hereby acknowledge that as the property owner, I am responsible for the water and sanitary sewer charges on the bill not paid by the tenant. Further, I understand the following tenant billing policy and my responsibilities as owner of the below listed property/ies:

- Water and Sewer charges remaining from any prior renter must be paid 30 days after the tenant has moved out. If charges are not paid in the 30 days following final bill, the termination process in Section 5.0 of the, **Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination**, will be followed, and any past due amounts pertaining to the property may be treated as public information and be released to third parties upon request.
- Penalty fees and Re connect fees apply to tenant only and will not be passed on to the landlord.
- If a tenant defaults on an **Agreement for Payment of Past Due Accounts** form, the remaining past due balance will be the landlord's responsibility. Landlord will receive a copy of the **Agreement for Payment of Past Due Accounts** form tenant signs.
- Unpaid water/ sewer charges will become a tax lien against the property. **MCA 7-13-4309**
- Owner is responsible to notify the City of any changes in billing. If a tenant contacts the City to request a final bill, the account will automatically revert back to the owner's name.
- The owner will receive duplicate copies of delinquent notices whenever the tenant's account is overdue.
- Owners that have managers/agents managing the property must have a letter on file with the City authorizing that individual to make decisions for that property. Without that authorization the City will only work with the owner.

Rental Address: _____ Rental Address: _____
Rental Address: _____ Rental Address: _____
Rental Address: _____ Rental Address: _____

Owners Signature: _____ Date: _____

Past Due Notice Letter

City of Miles City
Water and Sewer Department
PO Drawer 910

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Miles City, MT 59301
Phone: 406-234-3462

Date _____

Customer Name
Address
City State Zip

Account Number _____

Past Due Account Notice

Payment of your water and/ or sewer account at (Service Address) is 60 or more days past due. We are required to disconnect your utility service on (Disconnect date), unless the past due amount of (Amount due) is paid before that (Disconnect date).

If payment is not received or arrangements made with our office prior to the above (Disconnect date) services will be terminated. At that point the entire balance of the account, (Total Amount) will be due. In addition to a \$20.00 late payment penalty fee, a \$35.00 re-connect fee. A \$150.00 deposit may be required.

We now accept credit card payments through paygov.us.com or through a link on the City of Miles City website, miles-city-mt.org. You can also pay by phone at 1-866-480-8552, or in the City Water Department office at City Hall. A convenience fee will be assessed to each transaction made using your card.

By Order of _____

City Clerk _____

Final Disconnect Notice

City of Miles City
Water and Sewer Department
PO Drawer 910
Miles City, MT 59301
Phone: 406-234-3462

Customer Name
Service Address

Date : _____

Account# _____

A **Past Due Notice** was sent to you on _____ by mail, warning you that your water/sewer account was past due, and that your services would be terminated on _____ unless terms of the notice were met prior to disconnect date.

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Terms of that notice have **NOT** been met, therefore your water/ sewer service at: _____ will be discontinued on _____ @ _____ unless payment is received or arrangements made with our office.

WE WILL ACCEPT CASH, CREDIT CARD, OR MONEY
ORDER ONLY!!!!

A \$35.00 Re-Connect Fee will be added if service is terminated. Any other costs incurred during the termination of utility service will be the responsibility of the property owner and will be due before service is continued.

We now accept credit card payments through paygov.us.com or through a link on the City of Miles City website, miles-city-mt.org. You can also pay by phone at 1-866-480-8552, or in the City Water Department office at City Hall. A convenience fee will be assessed to each transaction made using your card.

Balance Due \$ _____

Penalty Fee **\$20.00**

Deposit Due \$ _____

Total Due \$ _____

By Order Of
City Clerk