



Rules and Regulations

of

Cooke City, Park County Water District

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Adopted: April 18th 2023

TABLE OF CONTENTS

- Section 1. Utility Records Availability.
- Section 2. Grievance Procedures.
- Section 3. Continuity of Service.
- Section 4. Distribution of Expenses.
- Section 5. Applicants with Excessive Needs.
- Section 6. Water Mains and Laterals.
- Section 7. Service Lines.
- Section 8. New Connections.
- Section 9. Independent Services.
- Section 10. Sharing Water.
- Section 11. Meters.
- Section 12. Meter Inaccuracies.
- Section 13. Winter Care.
- Section 14. Frozen Service Lines.
- Section 15. Backflow Prevention.
- Section 16. Access to Property.
- Section 17. Water Waste & Leaks.
- Section 18. Emergency Repairs.
- Section 19. Emergency Restrictions.
- Section 20. Voluntary Temporary Service Shutoffs.
- Section 21. Permanent Service Disconnection.
- Section 22. Service Month Definition.
- Section 23. Rates.
- Section 24. Minimum Rates.
- Section 25. Account Deposits.
- Section 26. Payment Plans.
- Section 27. Late Payment.
- Section 28. Change of Ownership.
- Section 29. Bulk Sales.
- Section 30. Private Wells.
- Section 31. Unauthorized Use of District Property.
- Section 32. Vandalism of District Property.
- Section 33. Extension of Main.
- Section 34. Annexation into the District.
- Section 35. Qualifications to Work on System.
- Section 36. Call Before Digging.
- Section 37. Severability.
- Section 38. Amendments.

WATER SERVICES

The following shall govern water services provided to District consumers:

Section 1. Utility Records Availability. Records, including minutes of meetings and financial records, are available for inspection by the public upon request. Utility records, including contact information, minutes of meetings and financial records, are available online on the utility's website at <http://www.cookecitywater.org>. Request records from the bookkeeper/secretary by email at clerk@cookecitywater.org.

Section 2. Grievance Procedures. Grievances can be submitted in writing to any board member. Any submitted grievance will be discussed and referred to the correct person or entity at the next board meeting. The Board may choose to hold a special meeting in order to address time-dependent issues.

Section 3. Continuity of Service. The District shall make a reasonable effort to avoid interruption of service, and when such interruptions occur, shall establish service with reasonable diligence. However, the District shall have the right to interrupt service for the purpose of making repairs, connections, extensions, or other necessary work. Efforts will be made to notify customers who may be affected by such interruptions, but the District does not accept responsibility for losses that might occur due to such necessary interruptions. The District shall not be liable to the customer for failure or interruption of water service due to acts of God, governmental regulations, court or commission orders, acts of the public enemy, strikes (or labor difficulties), accidents, weather conditions, vandalism, droughts, or any other cause beyond the reasonable control of the District.

Section 4. Distribution of Expenses.

- (a) **District Expenses:** All expenses of operation and upkeep of the water system of the District, including the mains or laterals in the streets, roads, alleys, and land for which an easement has been granted to the District, shall be paid by the District.
- (b) This does not prevent the Directors or landowners from instituting special improvement District proceedings wherein the property is assessed in accordance with the benefit received.
- (c) **Consumer Expenses:** All expenses (including labor and materials) of installation, repairs, and upkeep of pipes, service lines, valves, water boxes, and other necessary accessories for consumer connections with the water main in the street, road, or alley shall be paid by the owner of the property served. Expenses incurred by the District for the benefit of specific property owners shall be reimbursed by the owners of the property or properties served.

Section 5. Applicants with Excessive Needs. In the event an applicant whose water requirements are found to exceed the District's ability to supply them from the existing plant without adversely affecting service to other customers, the District will not be obligated to render such service unless and until suitable financing is arranged to cover necessary investment to expand the plant.

Section 6. Water Mains and Laterals. The ownership and control of the water mains and laterals laid in the streets, roads, alleys or on land for which an easement has been granted to the District are owned by the District and are under the control of the District. The District may at its discretion determine which lines are mains and laterals and which are service lines.

Section 7. Service Lines. A “service line” is defined as the water line from the building connection(s) to the customer property line or the curb box, whichever is shorter. Water mains and laterals are not considered service lines. All water service lines shall be kept in repair by the property owner. A customer's entire service line must be kept and maintained in good condition and free from all leaks and defects at the customer’s cost and expense.

The clearing of the location and access to curb boxes will be the responsibility of the property owner. The property owner is obligated to allow District personnel access to curb boxes at all times. All new water services shall be boxed at the property line. Any water meters placed indoors must be made accessible by District personnel by providing keys or codes to the current water operator and water operator assistant. Any water service line that is broken and left unrepaired shall be shut off until such repairs are made. Customers must call the District operator and obtain approval of the plan before starting work on a service line. The operator may require final inspection and approval of the work before the lines are reburied. Failure to do so may result in the disconnection of water services. The District reserves the right to use the curb stop to enforce District policy.

IT IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN AND REPAIR HIS OR HER PROPERTY’S SERVICE LINE. THE DISTRICT IS NOT RESPONSIBLE FOR CONDUCTING OR PAYING FOR REPAIRS OF A PROPERTY’S SERVICE LINE.

Section 8. New Connections.

- (a) No person, firm, corporation, business or resident shall hook up or connect any type of tap, pipe, service line, valve, or other appliance onto the distribution system owned by the District without the approval of the Board.
- (b) The District, upon being advised of any intended connection to the water system owned by the District, shall promptly determine whether or not said connection can be made without diminishing service to those consumers presently connected to the water system. Should the District determine that a diminishing of service will occur if the connection is made, the District shall deny the connection. Thereafter, the connection shall not be permitted until such time as the majority of the Board of Directors are satisfied that the connection can be made in some alternate manner so as not to diminish water service to existing consumers.
- (c) Each person, firm, corporation business, or resident requesting connection to the water system, shall provide the following information and shall submit same to the Board of Directors for prior approval:
 - 1) name and mailing address of consumer;
 - 2) name and mailing address of property owner of record;
 - 3) physical location of the property to be served;
 - 4) nature of the service to be provided by the District; and
 - 5) type of consumer receiving the service (i.e. whether residential or commercial and size).
- (d) No connections shall be made between October 1 and May 1 except by Board approval based on weather and other conditions.

- (e) **The property owner shall at his/her own expense install and own the service lines and is responsible for the installation, care, maintenance, and replacement thereof to the curb stop on the water main or lateral.** All expenses incurred by the District in making such connection or connections with water main or lateral including inspection, tapping, witness testing, etc., shall be paid by the owner of the property connecting with the water main or lateral.
- (f) Only a District employee or licensed plumber shall be permitted to make the tap on the main or lateral.
- (g) All service lines 2” or larger in diameter shall be installed per main specifications in the appendix.
- (h) All water service lines leading from the mains or laterals shall be laid not less than six (6) feet beneath the surface of the ground and must be inspected by the District before the service is covered.

Section 9. Independent Services. Each premise shall be supplied through an independent service line from a separate curb stop, curb box, and single meter, unless otherwise approved by the District in writing. “Premise” shall be defined as a contiguous property owned by a single owner.

Section 10. Sharing Water. No person, firm, or corporation shall furnish water service to any other person, business, or property within or outside of the exterior boundaries of the District without first obtaining a permit to do so from the District. In the event of a violation, the violating party shall pay double the minimum charge as per classification and in addition, the Board of Directors may, at their discretion, turn the water off, for which a charge of \$250.00 for turning on the water will be made.

Section 11. Meters.

- (a) All water service provided to consumers shall be metered.
- (b) Water meters (including all necessary accessories) will be furnished and installed by the District and paid for by the consumer before water is turned on under the direction of the District. Ownership and title to the meters will remain with the District.
- (c) Meters will be installed outside or inside of dwellings or buildings at the discretion of the District. If meters are installed inside a building, they must be capable of being read from outside the structure or the customer must give the District access with keys or codes.
- (d) In all cases where a meter is installed, the customer must furnish proper protection from frost or other damage, and the meter must be located where it is easily accessible for reading purposes and repairs. Where necessary for protection, a standard form of meter box (as specified by the District) must be purchased and installed by the customer. After such receptacle is placed, the District will connect the meter and maintain the meter and readout in good condition.
- (e) The District may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed.
- (f) In order to promote life safety and property conservation, all fire sprinkler lines shall be unmetered and used solely for fire protection. The building owner shall agree, in writing, to the following

stipulations:

- 1) The fire line shall have no domestic taps or be used for any other purpose.
- 2) The fire sprinkler system shall have an outside water flow alarm and a detector type check valve installed.
- 3) The fire sprinkler system shall meet all applicable codes and other requirements by authorities having jurisdiction.
- 4) The District or its delegate shall have the right to inspect for illegal taps during normal business hours.
- 5) The owner acknowledges that the fire sprinkler line is unmetered and may be used solely for fire protection. The owner also acknowledges that any other use of said line constitutes unauthorized use and that the owner can and will be charged with the criminal offense of theft for the unauthorized use. The owner further acknowledges that, if convicted of theft, he could face a punishment of a \$500.00 fine and/or 6 months in jail.
- 6) The above shall not apply to one- and two-family dwellings and mobile homes, as defined in N.F.P.A. 13D. The piping arrangement for those dwellings shall conform to N.F.P.A. 13D-A-2-2©, 1987 edition.

Section 12. Meter Inaccuracies.

- (a) Any water meter that is found to be not registering correctly will be removed for inspection under the direction of the District. If found to be defective, the meter will be repaired or replaced at the expense of the District.
- (b) If a meter is found to be not recording the consumption of water properly for any reason, the District may average the amount due for the current month, using the past two months as a basis for such average. When a condition is identified, the District will correct the problem as soon as practical.
- (c) If found defective due to tampering or negligence on the part of the property owner or lessee, the costs of removing and reinstalling the meter, plus the costs of a new meter (if needed) will be charged to the property owner/customer. A penalty will be assessed at twelve times the base rate.
- (d) In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy in said customer's presence. This process is only available to consumers who are fully up-to-date with payments to the District. Service meters whose error does not exceed +/- 2 percent shall be considered as being within the allowable limits of accuracy for billing purposes, as per RCAP standards. The percentage of error will be considered by taking the average of the error at full load and the error at 10 percent load, unless a customer's rate of usage is known to be practically constant—in which case, the error at such constant use will be used. In a case where the meter is found to be registering correctly, the cost of such testing and replacing of the meter shall be borne by the consumer. In a case where the meter is found to be recording incorrectly, the amount deposited by the consumer will be refunded and a reasonable adjustment made for overcharges for a period not exceeding sixty (60) days previous to the date of the demand of the consumer for a test to be made.

Section 13. Winter Care. Owners, agents, and tenants are required to familiarize themselves with the location of the premise drain valves which should be installed in such a manner as to drain the entire system of the building, thereby preventing pipes from freezing and bursting. The owner shall be made aware that shutting off the water at the curb stop will not drain the service line or interior piping system.

Section 14. Frozen Service Lines. When a customer's service line is frozen, such freezing is the customer's responsibility and the customer shall bear the cost of thawing and/or repairing the line. No claim shall be made against the District for service lines bursting or dislocating due to freezing. Expenses incurred by the consumer or by the District to repair or replace any such damage shall be paid by the property owner. Any metered water lost due to frozen service lines will be charged to the customer as regular water consumption.

Section 15. Backflow Prevention. An approved backflow prevention device should be placed between any potential point of contamination and the District water supply to prevent cross-connection and contamination of the waters system as referenced in the current Uniform Plumbing Code, Uniform Mechanical Code, or Department of Health and Environmental Sciences, whichever is most restrictive.

Section 16. Access to Property. The District shall, at all reasonable times, have access to meters and service connections on a customer's premises for the purpose of maintenance and inspection. Where written notice by the District has been given, neglect or refusal on the part of customers to provide reasonable access to their premises for the above purposes within 24 hours shall be deemed to be sufficient cause for discontinuance of service on part of the District and reconnection fees shall apply.

Section 17. Water Waste & Leaks. Water shall not be wasted, and it shall be a violation for any water user to knowingly permit unnecessary waste of water due to leaking service lines or fixtures. The Water District will provide written notice to the owner of any property with a suspected leak. Upon notice, the owner has 14 days to fix the issue or make a plan to address the leak that is approved by the District. If the District makes the repairs to the service lines, all incurred costs plus 15% shall be paid by the customer/property owner to the District. In the event of insufficient action after 14 days, the District will then charge the consumer at the maximum rate of the District's tiered rate system until the leak is resolved.

Section 18. Emergency Repairs. In situations determined to be an emergency by the District, water service may be temporarily shut off without notification in order for the District to make necessary repairs. All costs incurred that fall within the responsibility of a customer/property owner shall be paid by said customer/property owner, including a 15% administration fee.

Section 19. Emergency Restrictions. In the event of a water emergency (fire, drought, major service interruption), the use of water for fountains, watering lawns, or other non-essential use is prohibited until the water emergency no longer exists. Customers will be contacted as needed by phone and/or email for immediate emergencies and in their water bills for long-term issues, such as drought. The District will also alert the public signed up on the District website's alert system. Failure to comply will result in the shutting off of service to the property deemed to be in violation and a turn-on charge of \$250.00 will be assessed after the emergency has passed. Water to be used for food preparation, drinking, cooking, and sanitation is permitted.

Section 20. Voluntary Temporary Service Shutoffs. Any property owner shall have the right to suspend water service upon notifying the District in writing to that effect. Subsequently, the District shall,

within two working days, shut off the water connection to the property involved. Such discontinuation of service shall not relieve the property owner of his liability to pay all accrued water charges to the first day of the following month, or for any unpaid amount of water consumed as shown by a meter reading. Thereafter, no charge, except for the minimum base rate, shall be made against such property for water service until the water service is again restored to said property. If the meter is installed in such a manner as to make it impossible to drain the house or property without removing the meter, a charge may be made for that service. Any subsequent damage incurred during a suspended service is the responsibility of the property owner. The current monthly base rate is charged to all customers regardless of suspension.

Section 21. Permanent Service Disconnection. All requests for permanent disconnection must be made in writing by the property owner (or authorized representative) and be accompanied by a legal description of the property. The point of disconnect will be left to the discretion of the District. The Property owner will pay all the expenses incurred by the District plus a 15% administrative fee. Any future reconnection will come under the guidelines of the new service application.

Section 22. Service Month Definition. The service month extends from the twentieth day of one month up to (but not including) the twentieth day of the next month.

Section 23. Rates. Rates are charged monthly for water use, based on metered water use, according to the current rate structure. Rate increases of more than 5% within 12 months will follow the proper public notice and public hearing process, as described in MCA 7-13-2275. A public hearing is not required for a cumulative rate increase of less than or equal to 5% within a 12-month period if the board provides notification of the increase to persons within the district on whom the rate will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase.

Section 24. Minimum Rates. The minimum rate for any property connected to the District will be paid twelve months of the year whether occupied or vacant, and regardless of whether water is turned on or off by the consumer.

Section 25. Account Deposits. The Board of Directors shall have the right to demand a deposit in any amount as they may deem necessary before turning water on to any property to insure the payment of water charges as they become due. Said deposit will be returned to the depositor when the service has been discontinued, and all accrued charges have been paid.

Section 26. Payment Plans. A customer may apply for deferred payment BEFORE the payment is due by filing a claim for hardship with the clerk in writing. If the hardship qualifies, the customer will sign an agreement for a deferred payment plan. Hardships eligible for deferred payment plans include loss of job, medical emergency, an excessive bill (usually resulting from large leaks), and extraordinary financial hardship. The maximum length for a deferred payment plan shall be 6 months unless the approved plan specifies otherwise. Deferred-payment amounts shall be in addition to the regular service bill amount.

Section 27. Late Payment.

- (a) All water charges are payable at the office of the District Clerk on or before thirty (30) days after the date of the monthly statement. If not paid, the account will be considered delinquent and an interest charge of twelve (12%) percent per annum will be added to the past due amount(s) until paid. If the account becomes more than 60 days in arrears, a warning notice will be sent advising that shut-off of service is imminent if the past due balance is not paid by a designated date or a payment plan is not established. If the customer still neglects or refuses to pay, a registered letter will be sent requiring payment of the account in full by an established shut-off date and a \$35 processing fee will be added to the account.
- (b) If the account is not paid and water service is shut off, the full amount will be added to the customer's real estate tax bill as an arrears item by August 31st of the next billable tax year and, by law, the county sanitarian must be notified.
- (c) In order to have water service turned back on, the entire amount due plus a \$500 reconnection fee must be paid before August 31st of the given year. Prior to that date, the account may be settled and the fee paid directly to the District Clerk. After that date, the account balance must be paid to the county treasurer and the reconnect fee paid directly to the District Clerk.
- (d) The Board of Directors shall be authorized to utilize (in addition to the foregoing) any liens, suits, actions, or other remedies authorized by law or in equity to collect delinquent water accounts, fees, charges, taxes, or rents for water service provided.
- (e) No change of property ownership or occupancy shall affect the application of this section.

Section 28. Change of Ownership. Account changes due to the sale of a property cannot take place until the District Clerk is duly notified of the change in ownership and the exact date of sale can be established. Upon verification of new ownership, the water service charges for the month in which the date of sale took place may be prorated between the previous and new owners and an account for the new customer shall be created.

Section 29. Bulk Sales. Bulk water sales or use are not allowed except in instances approved expressly by the District. Only the District's operator and trained Cooke City fire department personnel may access water from the District's fire hydrants. Proper backflow and cross-connection control measures must be used.

Section 30. Private Wells. At no time shall any customer or individual connect a non-system water source to any service line or water line that is also connected to the District system. Representatives of the District shall have the right to enter the customer's premises for the purpose of inspection and enforcement of this policy at reasonable hours. Violations of this policy shall constitute cause for immediate disconnection of service.

Section 31. Unauthorized Use of District Property. Only persons authorized by the District are allowed to use, open, close, turn, interfere with, or connect to any fire hydrant, valve or appurtenance belonging to the District. Unauthorized Use of District Property is punishable by law. Consumers may not turn off their own water at the curb box. They must have the agents of the District access the curb box at all times.

Section 32. Vandalism of District Property. It shall be a violation for any person or persons to open or shut any main without permission of the District or to tamper with or injure any line, main, lateral, valve

or other appurtenance. Any violation thereof shall be subject to a \$250.00 assessment plus the cost of repairs and 15% administration fee. Violators may also be subject to criminal prosecution.

Section 33. Extension of Main. Section 75-6-112(4) M.C.A. requires a report with necessary maps, plans, and specifications be forwarded to the Department of Health and Environmental Sciences (Water Quality Bureau) for its approval of any extension of water main. The District shall approve or disapprove feasibility by determining whether the main extension is in the best interest of the District. Such extension shall be paid for by the property owner(s) for which such main extension is made, or from a special improvement district duly created for such purpose. No funds of the Water District (or of the general fund) shall be used for the purpose of extending existing water mains in the District unless such extension is for fire hydrants or other service benefits attributable to the District.

Section 34. Annexation into the District. Any property owners wishing to annex into the District must submit a written request to the Board for consideration. Contact the District Clerk for the Annexation Application Form. Annexation will follow the process outlined in MCA 7-13-2341. When a party, or parties, petition the District to have a property annexed to the District, the Board of Directors may establish, within their power, any prerequisite or subsequent requirement as a condition to the annexation of said property to the District.

Section 35. Qualifications to Work on System. Any individual or contractor working within the public right-of-way or District easement shall be licensed and bonded for such work as required by the District and/or other authority having jurisdiction. Proof of insurance must be submitted to the District and any other authority having jurisdiction prior to performing the work.

Section 36. Call Before Digging. The water operator must be consulted before digging or grading within District boundaries.

Section 37. Severability.

- (a) The District's Board of Directors shall have (and exercise) any and all powers granted to them by the laws or administrative rules of the State of Montana, now or hereafter enacted. Any by-law, rule, regulation, or ordinance of this District that is inconsistent with any law or administrative rules of the State of Montana shall be deemed amended to comply with said law or administrative rule.
- (b) If any by-law, rule, regulation, or ordinance of the District is declared invalid, that fact shall not affect the validity or enforceability of any remaining by-laws, rules, regulations, or ordinances duly adopted or enacted by the District or its governing body.

Section 38. Amendments. These Rules and Regulations may be altered, amended, or repealed, or new Rules and Regulations may be adopted, by the Board of Directors by following the proper procedures for adopting ordinances, outlined in Montana Code Annotated.

