

ORIGINAL

ORDINANCE NO. 99-1002

**BIG SKY COUNTY WATER
&
SEWER DISTRICT NO. 363**

WATER SYSTEM USE ORDINANCE

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ORDINANCE NO. 99-1002

WATER SYSTEM USE ORDINANCE

AN ORDINANCE GOVERNING THE OPERATION OF THE BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363 WATER SYSTEM, SETTING FORTH THE RESPONSIBILITIES OF THE DISTRICT AND THE PROPERTY OWNER, AND PROVIDING FOR THE ESTABLISHMENT AND COLLECTION OF WATER CHARGES.

BE IT ORDAINED by the Board of Directors of the Big Sky County Water and Sewer District No. 363, as follows:

Be it ordained by the Board of Directors of the Big Sky County Water & Sewer District No. 363 pursuant to the authority granted under section 7-13-2218(9), MCA, that it adopts an ordinance regulating the public water system, the installation and connection of water services, and use of water supplied by the public water system.

Be it ordained and enacted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana as follows:

ARTICLE I- DEFINITIONS

Section 101 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance are as follows:

"AWWA" means American Water Works Association.

"BASE ASSESSMENT UNIT" shall mean the minimum assessment charged to each water user who has either a meter on a consumer's premises or a meter pit unit outside a consumer's premises. A base assessment rate is established upon the sum of the total annual Water Fund indebtedness, the system's annual depreciation, and the amount budgeted annually for reserves, divided by 12 which results in a total monthly base rate cost. The total monthly base rate cost is then divided by the number of volume ratio units to produce an individual base rate.

"COMMERCIAL WATER SERVICE" means a water service of or pertaining to any endeavor which is not a single family residence, including but not limited to retail businesses, hotels and motels, restaurants, recreational facilities, apartment complexes, and condominiums.

"CONSUMER" means any person, firm, corporation, associations, or group connected to the public water system.

"CONTRACTOR" shall mean a builder who contracts to supply materials or do work.

"CORPORATION STOP" means a valve immediately connected to the service saddle on the water main for the purpose of tapping the main line for a service connection.

"CURB BOX:" means a vertical section of pipe that is threaded on to a curb stop and brought to the surface for the purpose of accessing the curb stop.

"CURB STOP" means a valve located outside of the structure being supplied with water which is located on the property line and is buried below the frost line and is accessible through a curb box.

"CUSTOMER" means any person receiving water service either directly or indirectly from the water supply system.

"DISTRICT" means the Big Sky County Water & Sewer District No. 363.

"IRRIGATING" or "IRRIGATION" means the supply of water by artificial means.

"IRRIGATION/AGRICULTURAL WATER SERVICE" means a water service exclusively for the purpose of supplying water for irrigation or agricultural application.

"LICENSED PLUMBER" means a plumber licensed by the Board of Plumbers of the Montana Department of Commerce pursuant to Chapter 69 of Title 37 of the Montana Code Annotated.

"MASTER METER" means the instrument, including any auxiliary equipment and remote reading equipment, which is used to measure the amount of water delivered to a complex of multi-family dwellings including but not limited to condominiums, apartments, and townhouses.

"MAY" is permissive,

"METER" means the instrument, including any auxiliary equipment and remote reading equipment, which is used to measure the amount of water delivered to a consumer from the water system.

"METER PIT" shall mean the container to be placed in the ground in which a water meter is positioned. Meter pits are used when no other location for a meter is feasible.

"MPWSS" means Montana Public Works Standard Specifications.

"MULTI-FAMILY" means a development primarily used for human occupancy for more than one single family residential dwelling including apartment and condominium complexes, townhouses, duplexes, triplex and four-plex developments.

"NON-CONFORMING TAPS" shall mean a tap, which supplies more than one house, building, dwelling, or structure.

"OWNER" means the owner of record of real property, including structures, which is served with water service by the water system.

"PARCEL" means a contiguous area of land described in a single description and held in one ownership.

"PERSON" means any firm, company, partnership, public or private corporation, association, group or society, governmental agency, or other entity as well as a natural person.

"POINT OF DELIVERY" means the point at which the Big Sky County Water & Sewer District's water supply system connects physically to the consumer's facilities, which unless otherwise explicitly designated by the District, shall be located at the property line and shall include the existing curb stop and curb box at the property line.

"POINT OF METER" means the point after a master meter at which the Big Sky County Water & Sewer District's water supply system connects physically to the consumer's facilities, which unless otherwise explicitly designated by the District, shall be located at and shall include the consumer's corporation stop which is normally attached to the public water main located in the public right-of-way that abuts and fronts the property to be served.

"POTABLE WATER" means a water source that meets chemical, biological, physical and radiological requirements for human consumption.

"PUBLIC WATER SYSTEM" means the water distribution system under the control and ownership of the Big Sky County Water & Sewer District including but not limited to water mains, water service lines to and including the curb stop and curb box, water storage tanks, valves, pressure reducing valves and remote telemetry equipment.

"REMOTE" shall mean the device, which shows the amount of water measured.

"SADDLE or SERVICE CLAMP" means a bronze, metal double strapped service clamp with Neoprene gaskets and corporation stop threads to be clamped on the main line for the purpose of tapping the main line for a service connection.

"SHALL" is mandatory.

"SINGLE FAMILY RESIDENTIAL WATER SERVICE" means a water service line that is connected to a single family residential dwelling.

"SINGLE FAMILY EQUIVALENTS (SFEs)" means the average characteristics of the single-family in residences within the District's service area. One SFE means a common characteristic of flow from a 2 bedroom, 2 bathroom residence.

"SPRINKLING" means the irrigation of any outside trees, gardens or lawns by means of sprinklers or other devices.

"TAPPING" - the procedure in which a service line is connected into the main line.

"TRANSMISSION LINE" means the system of pipes or conduits used for supplying water from a reservoir, river or stream to the water system, and is not included within the term "WATER MAIN".

"WATER EXTENSION" means the act or process of extending, adding to or enlarging the water supply system to provide water service to a prospective customer or group of prospective customers.

"WATER MAIN" means the water distribution piping to the point where the water distribution piping begins to service a single building, residential unit, or condominium unit. Water mains are controlled by the Big Sky County Water & Sewer District and are generally laid in the street or other right-of-way for the direct distribution of water to a consumers' individual water service lines.

"WATER SERVICE" means the supplying of water either directly or indirectly from the public water system, or the availability of water supplied either directly or indirectly from the public water system.

"WATER SERVICE CONNECTION PERMIT" means a permit which has been approved by the Board allowing a new or existing structure to tap a water main for water service.

"WATER SERVICE LINE" means a pipe or conduit which carries water from the corporation stop on the water main to the structure or building having water service to the shut off valve located immediately inside the building or structure served. Water mains are not considered water service lines, and water service lines are not considered water mains.

"WATER SUPPLY SYSTEM" means any devices, facilities, structures, equipment, land or works controlled by the Big Sky County Water & Sewer District No. 363 for the purpose of the processing, treatment, transmission, storage, distribution, pumping and measurement of potable water supplied to customers.

"WELL" means a source of supply of water consisting of a pipe or casing sunk in the ground which is open to an aquifer or aquifers to allow water to enter to flow or be pumped to the SURFACE.

"WELLHEAD" means the source of a spring of water or source.

ARTICLE II- GENERAL REQUIREMENTS

Section 201 RULES AND REGULATIONS OF THE WATER SYSTEM. The rules and regulations set forth in this Ordinance are established for the management, control and protection of the public water system, to encourage sound management of the public water system, and to promote conservation of water resources through the use of water meters. These rules shall apply to every consumer, and every consumer, by using water, shall be considered as having consented to be bound thereby.

ARTICLE III- CONNECTIONS TO THE PUBLIC WATER SYSTEM

The following shall govern water services provided to District consumers.

Section 301 PRIVILEGE TO CONNECT. No person shall be allowed to connect to the public water system without a Water Service Connection Permit.

Section 302 MANDATORY CONNECTION REQUIREMENTS. The owner of any house, building, or other property which is used for human occupancy, employment or recreation, which property abuts on any street or public right-of-way in which there is or may be located a water main, shall, at the owner's expense, install a suitable water service facilities therein, and to connect such facilities directly to the water main within sixty (60) days after the date of official notice to do so, provided that a water main is located in the right-of-way within a distance of three hundred (300) feet from the owner's property line, weather conditions permit, and the water pressure provided is estimated at a minimum 40 psi that will not require boosting to increase pressure.

Section 303 WATER SERVICE CONNECTION PERMIT APPLICATION. No person shall be allowed to connect to a point of delivery from the public water system without specific approval of the District. Every person desiring to connect to the public water system shall make a Water Connection Permit Application to the District on a form provided by the District.

- A. Commercial and Multi-family Applications. Water Connection Permit Applications for commercial and multi-family projects on a single parcel of land that exceed 5.0 SFEs shall include calculations demonstrating that the proposed water service line size is adequate according to AWWA and/or UPC specifications, and documentation showing the expected maximum day and peak hour demand for the project.

Section 304 WATER CONNECTION PERMIT CHARGES. The applicant shall pay, to the District, a water connection permit fee within sixty days (60) days from the date of written notice for preliminary permit approval. In the event that the application for a permit is rejected, the fee paid under this section shall be refunded in total. Water Connection Permit Charges shall be established by a separate rate ordinance. Permit charges shall be subject to review and modification by the District Board.

Section 305 WATER CONNECTION PERMIT APPROVAL. Permit applications and supplements required under this Article shall be filed with the District Manager. The District Manager shall then have the authority to approve applications for water connection permits for projects up to five (5.0) SFEs that meet the criteria set forth in this Article. For projects that exceed five (5.0) SFEs, the District Manager shall then recommend approval or denial of the application for a connection permit to the Board at the next regularly scheduled meeting. The Board must either approve or deny the application within sixty (60) days.

Section 306 WATER CONNECTION PERMIT DENIAL. A permit may be denied by the District Board, or District Manager for any of one the following reasons:

- A. The applicant's property is not within the District's boundaries;
- B. The applicant's property is more than 300 feet from the nearest water main;
- C. The water system has reached its allowable capacity as determined by the District from time to time;
- D. The District determines that the applicant's connection to the public water system may have an adverse impact to existing water consumers by reducing water pressure, or may impair or jeopardize fire protection for existing customers;
- E. The proposed connection fails to comply with local and/or state regulations;
- F. The subdivision approval, or Sanitary Restriction removal letter stipulates that property is to be served by private well; or
- G. Federal, state, local, or District action or policy specifically prohibits connection to the public water system.

Section 307 CONNECTION PERMIT TERM & EXPIRATION. Upon approval by the Board, or District Manager, the water service connection permit shall be issued for a period of one (1) year for residential, small commercial, or small condominium projects (less than or equal 15.0 SFE's), and two (2) years for larger commercial and condominium projects (greater than 15.0 SFEs). The applicant then has one year to connect to the public water system for residential or small commercial projects, and two years to connect to the public water system for large commercial projects from the date of receiving a valid connection permit. The applicant may request a permit extension by writing to the District and

explaining the extenuating circumstances. The Board may extend the permit for good cause shown. If construction has not commenced within one year, the permit shall become null and void.

Section 308 NON-TRANSFER OF PERMITS. Permits may not be assigned, transferred, or in any other way conveyed to another owner or property.

ARTICLE IV- DISTRICT RESPONSIBILITIES AND OWNERSHIP

Section 401 DISTRICT OWNERSHIP OF WATER LINES. The water mains laid in the streets, roads, alleys and on land for which an easement has been granted to the District or Lone Mountain Springs, are owned by the District and under the control of the District. The District shall determine in its discretion which water distribution lines are water mains and which are water service lines in accordance with the definitions provided in Article I.

Section 402 DISTRICT MAINTENANCE RESPONSIBILITIES. The District shall maintain all water mains and facilities on its side of the point of delivery at and including the curb stop and curb box. The District shall not install or maintain any water service lines or facilities. The District shall be responsible for meter and meter reading maintenance, leak detection work, turn-ons and shut offs, and complaint responses on the consumer's side of the point of delivery. All expenses of operation and upkeep of the District water system shall be the responsibility of the District.

Section 403 DISTRICT OWNERSHIP OF WATER METERS. The District shall own and shall be responsible for new and existing water meters and subordinate equipment installed to read water meters. The consumer shall be responsible for the cost and installation of the water meter and meter reading equipment.

Section 404 HOLD HARMLESS. No claim shall be made against the District on the account of the breaking of any water service or indoor plumbing, or for accidental failure in supply of water. The District shall not be responsible for accidents resulting from insecure boilers, from variations in water pressure, hydraulic surges from the mains, or collapse of indoor plumbing from any cause whatsoever.

ARTICLE V- CONSUMER RESPONSIBILITIES AND OWNERSHIP

Section 501 CONSUMER OWNERSHIP OF WATER LINES. The consumer shall own and be responsible for the installation and expense of all water service lines and/or fixtures from the point of delivery to and inside the structure served by the water service line.

Section 502 CONSUMER MAINTENANCE RESPONSIBILITIES. The consumer shall at his or her expense maintain and keep water service lines and appurtenances on his or her side of the point of delivery, including but not limited to the meter reading device, meter wiring, and water service, free of leaks, and properly protected from frost and other dangers.

Section 503 WATER SERVICE LINE LEAK REPAIRS. If the District determines that a water service line has a leak on the consumer's side of the point of delivery, the District shall notify the consumer by certified mail of the problem and require that the leak be repaired by a specified date. In no instance shall the notice provide less than sixty (60) days for the

repair. If the consumer does not repair the leak to the District's satisfaction, the District may exercise the following options at its discretion:

- A. Install Meter. Install a water meter pit and meter in the public right-of-way and bill the consumer based on metered water usage. The District's cost of installing the meter pit and meter shall also be billed to the consumer, as a separate charge on their water bill.
- B. Water Service Shut-off. The District may shut-off the water at the curb stop if a leak has not been repaired to the District's satisfaction. The water service will be turned on after the problem is repaired by the consumer.
- C. Emergency Water Service Shut-off. If a leak is deemed severe enough that other service is jeopardized or impaired, the District may shut the water off without any prior notice to the consumer and require the leak to be fixed immediately by the consumer.

Section 504 **WATER SERVICE LINE ABANDONMENT**. Consumers abandoning any water service line shall be required to turn off the supply at the corporation stop. The consumer shall be responsible for all expenses for locating the corporation stop and the water service line for abandonment. A representative of the District must be present when the water is turned off at the corporation stop.

Section 505 **DISTRICT CHARGES**. At the discretion of the District, District staff may perform work on the consumer's side of the point of delivery, and the District may charge the consumer for such work if District staff and equipment are already on the job site and it is convenient for the District and consumer to have such work done. The consumer shall be billed by multiplying the hourly wage of all District staff involved by the total time expended by the said District personnel. The District shall establish hourly charges for District equipment that may be used for work on the consumer's side of the point of delivery including but not limited to backhoe work, water sampling, thawing water services, and repairs.

ARTICLE VI- WATER SERVICES

Section 601 **WATER SERVICE LINE INSTALLATION**. Once a water service connection permit is issued by the District, the consumer shall at his or her expense install and own the water service line from the point of delivery to building or structure being serviced.

Section 602 **INSTALLATION BY LICENSED PLUMBER**. Only licensed plumbers will be allowed connect water services to a curb stop, or to a water main. All such pipes and connections must conform to the provisions of this Ordinance, Montana Public Works Standards (MPWS), or American Waterworks Association (AWWA) standards as they may be applicable.

Section 603 **NO WATER SERVICE CURB STOP PROVIDED**. If no water service line and curb stop have been provided on the water main that abuts a property to be served, the owner shall at its expense dig to the water main, and install a water service line and curb stop at the property line. The District shall be responsible for providing the corporation stop once the main has been exposed, and for tapping the water main to install the corporation stop.

Section 604 CONNECTING OR MOVING TO DIFFERENT POINT OF DELIVERY. If a curb stop exists on any part of a water main that intersects the lot line(s) of a property to be served if extended out into the right-of way, the owner must make a reasonable effort to connect to the curb stop at that location. If the owner elects to connect at another location on the water main that requires a new corporation stop and curb stop, the owner shall be responsible for all material and labor costs to install a new corporation and curb stop.

Section 605 WATER SERVICE LINE INSTALLATION- MULTI-FAMILY AND COMMERCIAL DEVELOPMENTS. One water service line and water meter is required for each new separate multi-family or commercial building. The owner has the option of installing a separate water meter for each unit or division within the building that has water service.

Section 606 DISTRICT SUPERVISION. An owner shall not connect his service line with or dig to the water main in the street, road or alley without District supervision.

ARTICLE VII- PROHIBITIONS & VIOLATIONS

Section 701 UNAUTHORIZED WATER SUPPLY. No consumer or other person or entity shall furnish water service to any other person, business or entity within the exterior boundaries of the District without first obtaining permission to do so from the District. In the event of a violation, the violating party shall pay double the minimum charge. In addition, the District may terminate the subject water service. The consumer shall be responsible for the cost of reactivation of the water service for which a charge for turning on the water will be made.

Section 702 UNAUTHORIZED TAMPERING. Pursuant to MCA Section 45-6-101, it shall be a crime for any person or entity to open or shut any main valve without permission of the District or to tamper with or injure any water meter, water main, water service line, valve or other appurtenance. Violations will be referred to the County Attorney for prosecution. Water service to the violator will be immediately discontinued until criminal prosecution is complete and all resultant fines are paid in full.

Section 703 TAPS PROHIBITED. No person but an authorized employee of the District shall make any tap or connection to any water main or water service line connected to the water system.

ARTICLE VIII- WATER USER CHARGES AND TERMINATION OF WATER SERVICE

Section 801 WATER USER CHARGES. Consumers shall be solely responsible for the payment of all charges for water services and any other fees and expenses for receiving water services in accordance with the provisions of this Ordinance.

Section 802 ESTABLISHING RATES, FEES AND CHARGES. The District while furnishing water and service shall establish all rates, fees and charges for the public water system and will pay the operating and administrative expenses. The District shall provide for repairs and depreciation of the water system, and establish an emergency reserve fund by separate Ordinance following a properly noticed public hearing if fees are established or changed. The water rates, fees and charges shall be reviewed as part of the annual budget process.

- Section 803 BILLING PRACTICE. Public water system user charges shall be billed quarterly to the consumer or occupant of the property served on the last day of each calendar quarter as follows: January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31.
- Section 804 PAYMENT OF USER CHARGES & PENALTIES. All water user charges and penalties shall be charged to the record owner of the real property which is serviced. User charges and penalties are due and payable within thirty (30) days after the billing date and become delinquent thirty one (31) days after the billing date. The owner of record is responsible for payment of all charges and penalties. No reduction from the regular user charge will be made for any service disruptions unless approved by the District.
- Section 805 LATE FEE. The District shall apply the maximum allowable late payment fee per month on all charges for public water system services that, according to District records, have not been paid prior to the delinquent date. No change of property ownership or occupancy shall affect the application of this Section.
- Section 806 DELINQUENT CHARGES ASSESSED AS PROPERTY TAX. Delinquent public system user charges and penalties under this Ordinance shall be assessed as property taxes upon the real property served by the public system pursuant to Section 7-13-2301 MCA. No change of property ownership or occupancy shall affect the application of this Section.
- Section 807 WATER SERVICE SHUT OFF. Public system user charges and penalties that are at least 120 days delinquent may be grounds for the District to terminate the water service pursuant to Section 7-13-2301 MCA. In no case shall the water service be restored until the delinquencies and all other charges have been paid in full including accrued penalty charges. Change of ownership or a change in tenants occupying subject property or premises shall not affect the application of this Section.
- Section 808 PROHIBITION ON NEW WATER SERVICE CONNECTIONS. No new water service connection shall be permitted if water service charges are delinquent for the subject property.
- Section 809 TURN-ON AND TURN OFF LIABILITY DISCLAIMER. The District shall not be liable for any damage to persons or property that may result from the initiating or termination of water service to a consumer's premise as provided for in this Ordinance or from the water being left on while the premise is unoccupied.
- Section 810 WATER SERVICE REACTIVATION CHARGE. The District shall establish a charge for reactivation of water services that have been terminated in accordance with the rules and regulations of the District.

ARTICLE IX- CONSTRUCTION METHODS

- Section 901 MATERIALS AND METHODS OF CONSTRUCTION. All water mains and water service lines shall be constructed in accordance with the Montana Public Works Standard Specifications, American Water Works Association, or other applicable rules and regulations of the District. In the absence of code provisions, the rules and procedures promulgated by the District shall apply and control.
- Section 902 WATER OUTAGES AND NOTIFICATION FOR NEW CONNECTIONS. If connections to the public water system will result in a water outage to consumers, the contractor or

person responsible for the connection must provide at least two (2) days written notice to all consumers whose water service will be disrupted. The notice shall specify how long service is expected to be disrupted, the name, contact person, and a telephone number for the developer, engineer, and contractor. The District must also be provided with the same notice. No water main connections shall be allowed until such notice has been provided to the effected consumers and the District. No water service outages for new water main connections shall be allowed on weekends or holidays.

- Section 903 **SEPARATE CONNECTIONS REQUIRED.** Two or more multi-family dwellings or buildings, whether owned by the same owner or by separate owners, must be connected to the water main by separate water service lines with a separate corporation and curb stop.
- Section 904 **WATER SERVICES.** All water services shall be valved with a curb stop and box at the property line, or as close to the property line as is practical. All water service lines shall be laid not less than six (6) feet beneath the surface of the ground to prevent winter "freeze up". Shallower depths may be acceptable in isolated protected areas upon the written consent of the District. All connections made to the curb stop shutoff valve at the private property line shall be at a minimum depth of six (6) feet. New water service lines shall have a minimum of one (1) inch diameter unless otherwise specified and shall be marked with a 6 foot long steel fence posted painted blue.
- Section 905 **WATER SERVICE CONNECTION INSPECTIONS.** All new water service lines connecting to the public water system must be inspected and approved by the District before they will be accepted by the District. No water service will be furnished to any property unless said installation has been inspected and approved by the District.
- Section 906 **WATER SERVICES LINE MATERIALS.** All new water service lines connected to the public water system must be made with polyethylene pipe with a locator line attached as specified meeting AWWA specification C901, "Polyethylene Pressure Pipe", use class 200 SDR 7 PE 3408 material. Pipe shall be Phillips Driscopipe Ultra line 5100 or an District approved equal.
- Section 907 **CONNECTIONS BY LICENSED PLUMBERS ONLY.** Only licensed plumbers will be allowed to install or repair water services that are connected to the public water system. Any licensed plumber failing to perform their work according to the established rules and regulations of the District to the detriment of the public water system, may be prohibited by the District from making future connections or repairs to the public water system within the District's jurisdiction.
- Section 908 **STOP REQUIRED.** Every water service line must be furnished with a stop, or shut off valve placed within one foot after locating where the pipe enters the foundation wall before any other interior or exterior irrigation plumbing connections. This stop must have a handle attached to turn same and be in working order so that water can be readily shut off.
- Section 909 **LOCATION OF CURB STOP BOXES AND CUTOFFS.** All curb stop boxes and curb stop shut off valves for controlling the supply of water to consumers shall be placed on the property line. The top of all curb stop boxes shall remain exposed and accessible by conforming to the finished surface of the street, sidewalk or contour of the ground. If the curb stop box can not be located on the property line than it shall be placed in a location designated by the District.

ARTICLE X - WATER EXTENSIONS

- Section 1001 **WATER MAIN EXTENSIONS.** All engineering and construction costs for new water main extensions shall be paid by the owner of the subject real property. If the contractor, engineer, or owner finds deficiencies in the existing public water system during the course of construction, he or she shall notify the District of the problem. The District shall have the discretion of decide whether or not it will correct the problem.
- Section 1002 **PRE-CONSTRUCTION MEETING REQUIRED.** The District requires a pre-construction meeting with the owner, design engineer, and contractor before any work commences on the construction of new structures which will receive water service.
- Section 1003 **CONSTRUCTION INSPECTION REQUIRED.** The District requires full time construction inspection of all new water main extensions. The engineer responsible for the construction shall certify in writing to the District that the water main extension has been inspected on a full time basis, and that the water main extension complies with the Montana Public Works Standard Specifications, American Water Works Association Standards, or other applicable rules and regulations of the District for construction. As a condition of final acceptance, the written certification must be signed and stamped by a Professional Engineer.
- Section 1004 **ACCEPTANCE & TRANSFER OF OWNERSHIP.** Upon completion of the construction of water extension and subordinate equipment including booster stations, pressure reducing valves, and water storage tanks, the District shall accept the extension into the public water system if it meets the requirements of this Ordinance. Final acceptance by the District shall be contingent on the following:
- A. Where feasible, the owner shall provide an unobstructed 30 thirty foot wide permanent easement to the District over the improvements for access, maintenance and repair. All applicable easements must be recorded at the Madison or Gallatin County Clerk and Recorder's office at the owner's expense.
 - B. The owner must post security for the warranty period described in Section 1005. The security may be in the form of either:
 - 1. A bond in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 1005. The District will hold the bond for a period of two (2) years from the date that the water extension is formally transferred to the District; or
 - 2. A cash deposit in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 1005. The District will hold the deposit in a segregated interest bearing account for two (2) years from the date that the water extension is formally transferred to the District; or
 - 3. A letter of credit in the District's name and favor in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 1005. The letter of credit must be for two (2) years from the date that the water extension is formally transferred to the District.

- C. Testing water in accordance with requirements of the State of Montana. A copy of all lab testing results shall be furnished to the District. The District reserves the right to retest to validate water quality test results.
- D. The owner must provide the District with one complete set of an as-built mylar showing all water service line curb stop locations, two sets of blue line as-built plans, sewer plans on computer diskette in a format that is compatible with Autocad version 12 or greater (if computer designed), all O&M manuals, construction field notes and video and/or still photographs documenting the project construction.
- E. The owner must convey ownership of all water extension improvements to the District after final inspection and acceptance by the District. The District shall provide a "Agreement for Conveyance of Water Extension" to the owner which must be signed by the owner and the District. The District shall be responsible for recording the Agreement.

Section 1005 WARRANTY PERIOD. If within two (2) years of the date of the "Agreement of Conveyance," any work is found to be defective, the District shall be responsible for the repair or replacement of any defects at its sole discretion and may utilize the funds posted as security by the owner to pay for the repairs.

ARTICLE XI- FIRE SUPPRESSION

Section 1101 RESTRICTIONS DURING FIRE ALARMS. During all fire alarms, the use of hoses, sprinklers, irrigation systems, and all water outlets where a constant flow of water is maintained, is prohibited.

Section 1102 FIRE SUPPRESSION WATER USAGE AND DAMAGES. The cost of water, and/or District equipment damaged, including but not limited to water mains, water services, and fire hydrants, used in the suppression of fire within or external to the boundaries of the District shall be itemized on a separate invoice statement delivered to and payable by the owner of the real property on which the fire occurred. The amount charged on the invoice shall be included in the insurance carriers estimate of damage/loss (where applicable). The Gallatin Canyon Volunteer Fire District shall also receive a copy of the invoice.

Section 1103 FIRE HYDRANT OPENING. No fire hydrant shall be opened except by authorized personnel of the District or members of the Gallatin Canyon Rural Fire District.

Section 1104 PRIVATE HYDRANT REQUIREMENTS. No private hydrant shall be located in a place of easy access to the public unless metered, and then only by special permit approved by the District.

ARTICLE XII - MISCELLANEOUS PROVISIONS

Section 1201 RIGHT OF ENTRY. The District Manager or other duly authorized employees of the District, shall be permitted at all times to enter the premises or buildings of consumers for the purposes of examining the water pipes and fixtures, the manner in which the water is used, and for inspecting, observing, testing, or auditing

water usage and for the purpose of billing in accordance with the provisions of this Ordinance.

- Section 1202 **DISTRICT'S RIGHT TO MAKE REPAIRS.** The District reserves the right at any time to shut off water mains for the purpose of making repairs or extensions or any other reasonable purpose. No claim shall be made against the District by reason of the breaking of any service pipe or curb stop, tripping fire alarms, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants, or other connections.
- Section 1203 **HOLD HARMLESS.** The owner or the occupant shall be held harmless for injury or death of District employees, and the District shall indemnify the owner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the owner, except as such may be caused by negligence or failure of the owner to maintain safe conditions.
- Section 1204 **WATER WELL PROHIBITION.** No new wells may be drilled within the District boundary for the purpose of supplying water for domestic or commercial use including but not limited to drinking water, irrigation, manufacturing, snow making, or industrial uses without the written permission of the District Board of Directors.
- Section 1205 **LOCATION OF LINES.** No party shall excavate within the boundaries of the District without first having the District locate all water mains, water extensions and water service lines in the vicinity of the excavation area. If a water main, water extension, or water service line is damaged during excavation after it has been located by the District, the owner or owners of the real property benefiting from the excavation shall reimburse the District in full for all costs and expenses incurred by the District as a result of the damage. If the excavating party fails to have water mains, water extensions, or water service lines located before beginning excavation, and a water main, water extension, or water service line is damaged during excavation, the owner or owners of the real property benefiting from the excavation shall not only reimburse the District for all costs and expenses incurred by the District as a result of the damage, but shall also pay the District a penalty in the amount of \$500.00.

ARTICLE XIII- IRRIGATION RESTRICTIONS AND REGULATIONS

- Section 1301 **SPRINKLERS REQUIRED.** When trees, gardens, shrubs, lawns or other vegetation are being watered or irrigated with water from the public water system, sprinklers must be attached to watering hoses and water must flow through such sprinklers. No open hose water shall be allowed during designated water hours or at any other time that irrigation restrictions are in effect.
- Section 1302 **SUMMER IRRIGATION SCHEDULE.** In order to conserve the water supply and to prevent waste of water during the fire season, the District Board shall establish a schedule for sprinkling and irrigating in the District and shall generally run from July 1st through September 15th of each year. The Board shall have at its discretion the right to modify the irrigation schedule at any time in any manner it deems necessary for the operation and maintenance of the public water system.

Section 1303 IRRIGATION SCHEDULE NOTICES MAILED TO PROPERTY OWNERS. The District shall mail a notice of the irrigation schedule to property owners with second quarter sewer and water bills on or near July 1st of each year.

Section 1304 NOTICE OF VIOLATION. Any person found to be in violation of the irrigation restrictions set forth above by the District shall be notified on a form provided by the District posted in a conspicuous place at the location where the violation occurred as follows:

- A. First Violation. First warning notice by door hanger;
- B. Second Violation. Second warning notice by door hanger, a certified letter to the billing address that any further violation while irrigation restrictions are in effect may result in termination of water service; and the District at its discretion may publish the second violation in the local newspaper;
- C. Third Violation. Third and final notice by door hanger and upon execution of the third notice the District shall send another certified letter as notice that the District shall charge a penalty in accordance with this ordinance. The District may also shut off the water service, which shall not be restored until the consumer pays the service turn-on fee and all assessed penalties. If District billing records show that a delinquency exists on the consumer's account, the account must also be paid in full before water service is restored. In no case will the District terminate water service on a Friday after 1:00 pm, Saturday, Sunday or a day immediately preceding a holiday.

Section 1305 IRRIGATION PERMITS. A consumer may apply for a Irrigation Permit on a form provided by the District to water or irrigate outside of designated irrigation hours. Permits will be considered for new sod, newly planted grass, or landscaping that requires additional water. Requests for other purposes will be considered on a case by case basis. If an Irrigation Permit is issued by the District, the permit shall be posted in a conspicuous location on the property.

- A. Non-refundable Irrigation Permit Fee. Irrigation Permits shall be issued on a month-by-month basis for a minimum of one month. The District shall charge a fifty dollar (\$50) per month fee for each month the permit is issued. Irrigation Permit fees shall be prepaid by the applicant and are non-refundable.
- B. The District at its discretion shall have the right to revoke an irrigation permit at any time if terms of permit are violated or for other good cause.

Section 1306 EMERGENCY OR WATER SHORTAGE. The District reserves the right in cases of shortage of water supply for domestic use, or fire protection, or for any other causes to make an order reducing scheduled irrigation hours, or forbidding and suspending the use of water for irrigation or sprinkling. The District may at its discretion limit the use of water under this Section by giving one notice through the local newspaper(s) and posting notices in at least three public places.

ARTICLE XIV- METERING

- Section 1401 **MANDATORY WATER METERS.** A water meter shall be installed, upon the water service line pipe, in each single family residential dwelling, multi-family building, or commercial business building. Existing water services shall have until **December 31, 2001** to install a water meter.
- Section 1402 **PLACEMENT OF WATER METERS.** Meters shall be placed in the basement or crawl space where practical. When this is not possible or not be a convenient location for the meter, a location shall be selected by the District. If a water meter cannot be installed within a newly constructed building on the premises, or if the property owner will not allow a meter in owner's building, a meter pit in which the meter will be located shall be installed at the owner's expense at a location on the premises to be determined by the District.
- Section 1403 **DAMAGE TO WATER METERS.** The consumer shall be responsible for damage resulting from neglect, carelessness, freezing, or tampering with meters. If the meter is not operating properly, the consumer shall notify the District.
- Section 1404 **OWNERSHIP OF WATER METERS.** All newly installed and existing water meters and remote meter reading equipment are the property of the District.
- Section 1405 **METER EQUIPMENT FURNISHED BY THE DISTRICT.** The District shall furnish the following meter equipment:
- A. New Construction. For new construction having an approved water connection permit, the District shall supply a water meter, water meter horn, and remote meter reading device and wire material.
 - B. Existing Water Services. For existing water services, the consumer must apply for a water meter on a form provided by the District. Upon approval of the application, and payment of application fees, the District shall supply a water meter, water meter horn, and remote meter reading device and wire material.
- Section 1406 **COST OF METER EQUIPMENT AND INSTALLATION.** The cost of the meter equipment supplied by the District shall be paid by the consumer. The cost for installing the meter equipment shall also be paid by the consumer.
- A. Existing Water Services. Consumers installing a water meter to an existing water service line, shall have the option of paying for the equipment at the time the application is approved or having the District add the cost of the metering equipment to their quarterly sewer and water bill as a separate charge with the principal and interest to be repaid over a two (2) year period.
- Section 1407 **WATER METER HORN.** All meters installed shall be provided with a meter horn or valve on each side of the meter so that any meter may be removed for the purpose of testing and a bypass placed in the service pipe for the purpose of supplying the consumer with the water during the testing of said meter.
- Section 1408 **WATER METER STANDARDS.** The District Board shall adopt by resolution standard specifications for meters, remote reading equipment, and plumbing meter connections for installation.

- Section 1409 **WATER METER BILLING RATES.** The District Board shall by separate ordinance revise the water and sewer user charge system to provide a billing classification that is based on metered water consumption.
- Section 1410 **FAULTY METERS.** Any water meter that is found not registering correctly will be removed for inspection under the direction of the District and if found to be defective because of material in the meter it will be repaired at the expense of the District, if it is found defective due to tampering or negligence on the part of the property owner, renter, or lessee, the costs of removing and reinstalling the meter, plus the cost of repair, will be charged to the property owner.
- Section 1411 **SUB METERS.** Consumers desiring one or more sub meters for various tenants shall furnish, install, maintain, and read such meters at their own expense. The District shall not furnish, install, maintain, read , or bill on such meters. Further, all municipal water/wastewater charges for a single water service line shall be billed to and shall be paid by the person named on the water service application for the property involved.
- Section 1412 **INTERCONNECTED WATER SERVICE LINES.** A consumer served by two or more water service lines which are interconnected shall have a check valve located on each water service line at its metering facility to prevent circulation of the water through the consumer's meter and water service lines and back into the public water supply system.
- Section 1413 **SPECIAL METER ACCURACY TESTS.** When a consumer complains that the water charges for any particular billing period are excessive, the District shall, upon request, have the consumer's water meter reread and shall inspect the consumer's plumbing for leaks. Should the consumer then desire that the water meter be tested, the consumer shall make a deposit with the District to cover the cost of the test. The District shall then test the meter in question. Should the meter on test show a registration in excess of 3 percent in favor of the District, the amount deposited shall be refunded to the consumer and the District shall make an adjustment for the estimated excess consumption on the bill immediately preceding and/or the current bill. The excess registration on the reading for the previous and/or current month shall be credited to the consumer's account. Where no such error is found in favor of the District, the amount deposited shall be retained by the District to cover the expenses of performing the test.
- Section 1414 **REPLACEMENT OF METERS.** Whenever a consumer requests the replacement of a District water meter, such request shall be treated as a request for a test of the meter.
- Section 1415 **STANDARD OF ACCURACY.** The District shall not place in service or allow to remain in service without adjustment any water meter that has a known error in registration of more than plus or minus 3 percent.
- Section 1416 **TESTING AND REPAIRING METERS.** The District may test and/or repair a water meter at any time, and for this purpose the District may temporarily shut off the water service to a consumer.

ARTICLE XV - VIOLATIONS & PENALTIES

Section 1501 **LIABILITY TO DISTRICT FOR LOSSES.** Any person violating any provision of this Ordinance shall, in addition to any penalty which may be assessed against him or her, shall become liable to the District for any expense, loss or damage occasioned by reason of such violation which the District may suffer as a result thereof.

Section 1502 **VANDALISM.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the public water system. Violators will be prosecuted under Montana law at the discretion of the District.

Section 1503 **INJUNCTION.** The District may seek an injunction against any person violating any provision of this Ordinance.

Section 1504 **PENALTIES FOR VIOLATION.** The District in its discretion may impose the following penalties:

- A. Penalty for Use During Fire Alarms. As set forth in Article XI, Section 1101, any consumer who uses hoses, sprinklers, irrigation systems, or any other water outlet issuing a constant flow of water during a fire alarm shall pay a \$50.00 penalty to the District.
- B. Penalty for Fire Hydrant Opening. Pursuant to Article XI, Section 1103, any consumer opening a fire hydrant without amortization manner shall pay a \$250.00 penalty to the District.
- C. Penalty for Violation of Irrigation Restrictions. Pursuant to Article XIII, Section 1304, a consumer receiving notice of a third subsequent violation of the District's irrigation restrictions shall, pursuant to Section 1304(c), pay a penalty of \$250.00 to the District for each violation.
- D. Penalty for Damage to Water Lines. Pursuant to Article XII, Section 1205, if an excavating party damages a water main, water extension, or water service line during excavation without first having the water main, water extension or water service line located by the District the owner or owners of the real property benefiting from the excavation shall pay the District a penalty in the amount of \$500.00.

ARTICLE XVI - APPEALS

Section 1601 **REQUEST FOR APPEAL.** If the Board, or District Manager denies a water connection permit application, the applicant may file a written request for reconsideration with the District within thirty (30) days after having been informed of the District's denial. The written request for appeal must include the facts supporting the applicant's request for reconsideration. The applicant may request to appear before the District to explain the applicant's request for reconsideration. The District shall issue its final decision within sixty (60) days after receiving the request for reconsideration.

ARTICLE XII - VALIDITY

- Section 1701 SUPERSEDING PREVIOUS ORDINANCES OR POLICIES. This Ordinance governing the public water system shall supersede all ordinances or regulations of the District or any operating policy adopted by the Lone Mountain Springs Water Company.
- Section 1702 INVALIDATION CLAUSE. Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.
- Section 1703 AMENDMENT. The District, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

ARTICLE XIII - EFFECTIVE DATE

- Section 1801 DATE OF EFFECT. This Ordinance shall become effective on the date that the Board adopts the Ordinance.

Passed and adopted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana on the 20th day of July, 1999, by the following vote:

<u>X</u> YES	<u> </u> NO	<u>Wendell Ingram</u> WENDELL INGRAM, President
<u>X</u> YES	<u> </u> NO	<u>William F. Neece</u> WILLIAM F. NEECE, Vice President
<u>X</u> YES	<u> </u> NO	<u>Dee Rothschild</u> DEE ROTHSCHILLER, Secretary
<u>X</u> YES	<u> </u> NO	<u>Paul "Packy" Cronin</u> PAUL "PACKY" CRONIN, Director
<u>X</u> YES	<u> </u> NO	<u>Jack Crowther</u> JACK CROWTHER, Director
<u>X</u> YES	<u> </u> NO	<u>Stewart Peacock</u> STEWART PEACOCK, Director
<u>X</u> YES	<u> </u> NO	<u>Skip Radick</u> SKIP RADICK, Director

Attest:

Dee Rothschild
Dee Rothschilder, Secretary

July 20, 1999
Date

[S E A L]

CERTIFICATION

The undersigned, Dee Rothschiller, hereby certify that I am the Secretary of the Big Sky County Water & Sewer District No. 363, that the foregoing Ordinance 99-1002 was adopted at a duly convened meeting of the Board of Directors of the Big Sky County Water & Sewer District No. 363 on July 20, 1999. I further certify that, upon a vote being taken on the Ordinance at said meeting, the following Directors voted in favor thereof: Wendell Ingraham, William Neece, Stewart Peacock, Jack Crowther, Skip Radick and Packy Cronin; voted against the same: _____; abstained from voting thereon: _____; or were absent: Dee Rothschiller. I further certify that I signed the Ordinance after the July 20, 1999 meeting as evidence of my support for the Ordinance 99-1002.

Witness my hand and seal officially this 27 day of July, 1999.

Dee Rothschiller
Dee Rothschiller, Secretary