

ORDINANCE NO. 107.

AND ORDINANCE PRESCRIBING CERTAIN RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF POLSON AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, It is the desire of the Water Works Department of the City of Polson to furnish an abundant supply of pure cold water for every legitimate purpose to every citizen at the lowest possible cost,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1. The following rules are a part of the contract entered into by every consumer of the City water and the failure to know said rules will not excuse any one from the penalty of their infringement.

Section 2. Water Ordered Turned On Or Off: Application for city water to be used for any purpose shall be made at the water department office upon the printed form supplied by the water department, which form must be signed by the owner, or duly authorized agent of the owner of the property, on which the water is to be used. All orders for turning water off must be made in writing to the water department and must be signed by the owner, or duly authorized agent of the owner of the property from which the water is ordered shut off. When the water is ordered shut off from any premises all charges for water supplied to such premises shall be immediately due and payable to the Water Department.

Section 3. Water Rates To Begin When: Water rentals at the established rate will be charged against the property from the date on which the water is turned on until the date on which the property owner, or agent, orders the water turned off, but no charge will be made nor water furnished for less than half of the monthly rate. No abatement for water rental shall be allowed by reason of removal from the premises, disuse or diminished use of water, frozen pipes, or vacancy of premises, unless notice be given at the time such removal or disuse is made to the Water Department.

Section 4. Payment Of Water Rental: All bills for water, whether by flat rate or meter, are due and payable at the office of the Water Department the first day of each month for all water used the preceding month, and will become delinquent on the 10th day of the month, and if still delinquent on the 20th day of the month, the water will be shut off, and shall not be turned on until all bills are paid, including an additional charge of One Dollar (\$1.00) for turning on. Owners of the property served will be held liable for all water and service charges. Payments will be accepted from tenants, but that will not relieve the owner if tenant becomes delinquent.

Section 5. After the water has been turned off at the curb cock as provided in Section 3- it shall not be turned on by any person except an employe of the Water Department, and if so turned on at the curb cock by any person other than an employe of the Water Department, the Superintendent shall have the water turned off at the main and shall charge against the property owner a penalty of Five Dollars (\$5.00) which must be paid before the water shall again be turned on, and in addition thereto the party turning on said water in violation of the provisions of this section may be punished for the violation of this section as hereinafter provided,

Section 6. No person, company, or corporation shall knowingly take or use or allow to be used water without having previously contracted for the same.

Section 7. It shall be unlawful for any owner, agent or tenant to supply or permit to be supplied any water to two or more buildings through one and the same connection, except on special contract with the Water Department.

Section 8. If undue waste is permitted, or water is by-passed to other consumers, or in cases of deception, misrepresentation or abuse or the privilege of connecting with the water system, the supply of water will be turned off without notice, and a penalty of One Dollar (\$1.00) shall be paid to the Water Department before the water is turned on, and in addition thereto the offending persons may be punished as hereinafter prescribed.

Section 9. The service pipe within and without the premises and through its entire length to the tap in the city water main, together with curb cock and box, must be laid, kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damage resulting from leaks and breaks, and no claim shall be made against the City of Polson on account of the breaking of any service pipe or apparatus, or for the failure in supply of water. When there is a leak in the street and it is doubtful whether the water is from a break in the city main, or from a private service pipe, employes of the Water Department will make an excavation to determine which it is from. If the leak is found to be from the main, the Water Department will make all repairs, but if it is from the service pipe, the owner of the property, or agent, will be notified and must immediately take charge of the excavation, repair the leak, replace the street, and be responsible for all damages which may result. In case the owner or agent does not make repairs at once, the Water Department will proceed, and all bills for labor and material will become a charge against said property, and shall be collected of the owner or agent and at the end of the month in case the bill is not paid, the enforcement of payment thereof will be performed in the same manner as for the payment of bill for water rentals.

Section 10. Contractors, builders or other desiring water for building purposes must make application to the Water Department prior to using same and the amount to be paid shall be based upon the rates fixed therefor.

Section 11. The Water Department reserves the right at any time without notice to shut the water off its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the City of Polson by reason of the breakage of any service pipe or from any other damage that may result from shutting off the said water.

Section 12. The Water Department shall have access at all reasonable times and hours to all parts of any building or premises in which water is being delivered from the water mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used and shall also have the right to remove the meters from premises for examination and test when necessary.

Section 13. Hereafter the service pipes must be so arranged that the supply for each separate house or premises may be controlled by a separate stop-cock placed at a point designated by the Water Department and the owner or agent of said property will be held responsible for all bills for water used through said service for his or their use, or for the use of others to whom it may be assessable.

Section 14. Where water is now supplied through one service to several houses, families or persons, the Superintendent of the Water Department may at his discretion either decline to furnish water until separate services are provided or may continue the supply on the condition that one person shall pay for all on same service.

Section 15. None but licensed plumbers shall be allowed to do any work in connection with the service pipes when water may be drawn from the city mains, and all plumbers must make return to the Superintendent of Water Department a true and correct account of the work

done within twenty-four hours after completion.

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Section 16. It shall be unlawful for any person to open, close, turn or interfere with, or to attach to or connect with any fire hydrant, curb cock, or valves, without permission from the Water Department, or to disturb or damage any pipe, machinery, tools or other property of the Water Department, or to throw any substance into any reservoir or water main or to bathe in any reservoir, or to deface or injure any buildings belonging to or connected with said water system.

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Section 17. Consumers supplied by meter shall take every reasonable precaution to protect same from injury or damage by frost or otherwise and shall be liable for all injury to meters. If from any cause the meter fails to register correctly, the charge to the consumers shall be at the rate used for the corresponding period of the month previous, or if for any reason the rate for the corresponding period of the previous month cannot be justly applied, the rate shall be equitably adjusted by the Superintendent of the Water Department. For the testing of each meter at the request of the property owner, or leasee, if the meter is found defective, no charge will be made, but if found in good order or registering in favor of the consumer, a charge of One Dollar (\$1.00) will be made.

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Section 18. Every person who, with intent to injure or defraud, shall:

- a. Break or deface the seal of any meter, or
- b. Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of water supplied to a consumer thereof; or
- c. Make any connection by means of a pipe, or otherwise, with any main or pipe used for delivery of water to a consumer thereof, in such a manner as to take water from said main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or
- d. Make any connection or reconnect with such main or pipe, or turn off or on, or in any manner interfere with any valve, stop-cock or other appliance connected therewith; or
- e. Shall allow water to be taken from their service without authority from the Water Department, or any person who takes water from any other person's service without permission from the Water Department; or
- f. Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of water consumed, or interfere with, obstruct or prevent by any means, the reading or inspection of such meter or instrument by any of the employes of the Water Department of the City of Polson, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5.00 or more than \$50.00 or may be punished by imprisonment for not to exceed thirty days, or both such fine and imprisonment.

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Section 19. The lawn season shall extend over a period of five months beginning May 1st and ending September 30th. Lawn rents shall be due and payable in advance, and no allowance for vacancy will be made for less than half the lawn season.

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Section 20. No person shall use or permit to be used a street washer, lawn or garden sprinkler except upon his own premises for which he has made application and is paying rental.

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Section 21. No hose larger than one inch in diameter shall be used from any service pipe without special permission from the Water Department.

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Section 22. No sprinkling shall be done by consumers of water on a flat rate without a nozzle attached to the hose having an opening not larger than one quarter of an inch in diameter.

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Section 23. It shall be unlawful for consumers of water by flat rate to use the water for irrigation, hosing or sprinkling purposes at any time except between the hours of 6:00 A. M. to 10:00 A. M. and from 6:00 P. M. to 10:00 P. M.

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Section 24. No person shall draw any water from the city main during a fire except for the extinguishment of a fire.

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Section 25. For any violation of the rules or ordinances pertaining to the use of water, the same may be turned off without notice and will not be turned on until the rules and regulations are complied with and all bills are paid, together with an additional sum of \$2.00 and the offending person or persons may also be prosecuted in addition thereto.

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Section 26. Any person, company or corporation violating any of the rules and regulations hereinbefore expressed or violating any of the provisions of this ordinance, may upon conviction be punished by a fine or not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00), or by imprisonment for a term of not to exceed Thirty days, or by both such fine and imprisonment.

Section 27. Inasmuch as it is necessary for the immediate preservation of public peace, health and safety that the City have an adequate water system, and rules and regulations governing the same, an Emergency is hereby declared to exist, and this Ordinance shall therefore be in effect from and after its passage and approval.

Section 28. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed by the City Council this 6th day of December 1915.

Approved by the Mayor this 6th day of December 1915.



Attest: [Signature]
City Clerk.

[Signature]
Mayor.

STATE OF MONTANA,)
County of Flathead.) ss

H. S. Hanson, being first duly sworn, upon his oath says: I am a citizen of the United States, over the age of 21 years, and am, and was at the time mentioned in this affidavit, the City Clerk of the City of Polson, in said County and State, that on the 9th day of December, 1915, in accordance with the order of the City Council of the City of Polson, requiring all ordinances of said City to be published by posting in three of the most public places in said City, I posted a copy of the foregoing Ordinance No. 107 in three of the most public places in said city, to-wit: One of the said copies in the office of the Police Judge, one of the copies at the office of the City Treasurer, and one copy at the office of the City Clerk; that each of said copies so posted by me was a true, full and correct copy of the said ordinance and of the whole thereof.

[Signature]

Subscribed and sworn to before me this 13th day of December A. D. 1915.

[Signature]
Notary Public for the State of Montana, Residing at Polson, Montana. My Commission expires July 9, 1916.

