

ORDINANCE NO. 376

AN ORDINANCE AMENDING TITLE 4 OF THE WHITE SULPHUR SPRINGS MUNICIPAL CODE TO CLARIFY THE CITY'S RESPONSIBILITY AS TO SERVICE PIPES, AND MAKE MINOR CHANGES IN STYLE.

**WHEREAS**, the City of White Sulphur Springs maintains a water supply system and sewer system, including regulations for installation and permits within the city limits; and

**WHEREAS**, the City requires residents to be responsible for maintenance of the service pipes and related equipment, appurtenances from the location of the curb stop to the service structure; and

**WHEREAS**, the current ordinance appears to require a customer to be responsible for the service pipe to the main, while the City is responsible for the area from the main to the curb stop; and

**WHEREAS**, the City desires to clarify the responsibility between the City and the customer to clearly delineate the City's responsibility from the main to the curb stop, and owner's responsibility from the curb stop to the structure being serviced.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of White Sulphur Springs Montana, that Title 4 be amended as follows:

**Section 1**

**4.08.110 City Not Responsible.** The City shall not be responsible for pipes, appurtenances, and fixtures outside the area between the main and the curb stop and/or the property line, whichever is closest to the main. All owners, at their expense, must keep service pipes from ~~City mains~~ curb stop/property line to structure being serviced and all their apparatus, their appurtenances, and fixtures in good working order and properly protected from frost and other dangers. No claim shall be made against the City ~~on account of alleging~~ any freezing, breaking or other environmental damage to any service pipe, water meter or other apparatus, or for accidental failure to supply water originating between the curb stop/property line and the structure being serviced. No reduction from the regular rates shall be made for any time that service pipes, water meters or fixtures may be frozen.

**Section 2**

**Repealer.** All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

**Section 3**

**Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

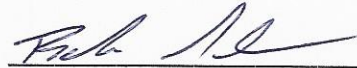
**Section 4**

**EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.


**Section 5**

**CODIFICATION.** Upon Final Passage and Adoption, the City Clerk is authorized to publish the foregoing ordinance, making amendments as to referenced code sections, notations, and grammar as well as style to be consistent with the ordinance as passed and shall insert this ordinance and shall remove the prior provisions inconsistent with the current ordinance, as passed and adopted, in any official publication or on-line version of the White Sulphur Springs Municipal Code.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 3<sup>rd</sup> day of August, 2020.

  
Rick Nelson, Mayor

ATTEST:

  
Michelle Stidham, City Clerk

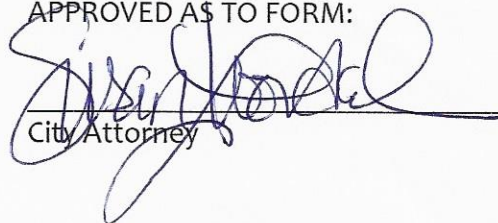
PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 1<sup>st</sup> day of September, 2020.

  
Rick Nelson, Mayor

ATTEST:

  
Michelle Stidham, City Clerk

APPROVED AS TO FORM:

  
City Attorney