

## **RESOLUTION NO. 600**

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ESTABLISHING A PROCEDURE FOR ENTRY INTO PREMISES OR BUILDINGS OF CONSUMERS OF CITY WATER TO INSPECT WATER PIPES, WATER METERS AND OTHER FIXTURES AND TO REPLACE OR REPAIR THE SAME UPON NOTICE AND ESTABLISHING A CONSEQUENCE FOR THOSE DENYING OR REFUSING ACCESS TO CITY PROPERTY.

**WHEREAS**, the City of White Sulphur Springs has adopted Title 4 Chapter 8 of the Municipal Code providing for the inspection of City property (water pipes, water meters and related fixtures) as part of the City water system; and

**WHEREAS**, as part of the City water system, the City has provided water meters, sometimes at cost, to accurately measure water usage in order to bill consumers for usage on a consistent basis; and

**WHEREAS**, the City Council has determined the water meters should be replaced and has established a schedule for replacement; and

**WHEREAS**, the City Council must gain access to the premises where meters and fixtures are installed in order to replace the water meters to continue to provide accurate service and billing which necessitates setting forth procedures to gain access at reasonable times with reasonable notice to customers; and

**WHEREAS**, the City Council considers the meters to be City property and those denying access to be interfering with City property and reasonable consequences are necessary and appropriate to protect the property and rights of the City.

**NOW, THEREFORE BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, MONTANA as follows:**

The superintendent of the city waterworks (water system) or other officer or employee of the waterworks shall be permitted to enter the premises or buildings of consumers attached to the City water system at any reasonable time, upon 48 hours notice, to examine, repair or replace the water meters as indicated in the notice, and ~~the~~ examine the manner in which the water or meter is used, except that the provisions concerning time and notice are waived in the event of an emergency.

The City further resolves the notices shall specify the nature of the work to be performed and will provide a contact number to make arrangements for entry at a time convenient to the property owner or tenant in order to effectuate the work in a timely manner. Notices shall state that those individuals who continually refuse to cooperate with city employees will be deemed to be interfering with City property. Failure of a property owner to allow entry of authorized personnel for purposes of inspection shall subject the owner to immediate shut off of services until such examination, repair or replacement may be effected, with assessment of corresponding fees and costs. The City may seek a Court order to gain entry and all costs incurred by the City shall be assessed to the property owner so refusing to cooperate with the City, or the property owner when the tenant so refuses.

This measure is effective upon passage.

**PASSED** by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 7th day of January, 2019.

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Rick Nelson, Mayor

ATTEST:

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Michelle Stidham, City Clerk

APPROVED AS TO FORM:

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Susan L. Wordal, City Attorney