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ORDINANCE OF THE GOVERNING BODY

OF THE

SAUK-SUIATTLE INDIAN TRIBE

Ordinance No.8/4/07 : UTILITY AND ENVIROMENTAL SERVICES ORDINANCE

THEREFORE BE IT ENACTED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE INDIAN TRIBE, AS FOLLOWS:

WHEREAS, The Sauk-Suiattle Tribal Council is the duly constituted governing body of the Sauk-Suiattle Indian Tribe, by authority of the Constitution and Bylaws, approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat.984); and

WHEREAS, the Sauk-Suiattle Indian Tribal Council is the duly elected governing body of the Sauk-Suiattle Indian Tribe; and

WHEREAS, in accordance with the Tribal Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, it shall be the duty of Tribal Council to protect and preserve the people of the Sauk-Suiattle Indian Tribe as provided in Article II, Section 1(a) including the promulgation of laws and ordinances pursuant to Article VII, Section 1(P); and

THEREFORE, BE IT ENACTED THAT, the Sauk-Suiattle Tribal Council hereby asserts it's right as a sovereign power to establish a Tribal Utility and Environmental Services Organization to operate and manage the tribe's utility services, including but not limited to, levying appropriate user fees to all residents and organizations, pursuant to the provisions of Article VII, Section 1(N) of the Tribe's Constitution and Bylaws the Tribal Council affirming the legislative authority to enact ordinances; now

BE IT FURTHER ENACTED THAT, this Ordinance is to set forth uniform procedures to be followed by the Tribal Community in carrying out the provisions of the Utility and Environmental Services Ordinance for use by the Tribe; now

BE IT FINALLY ENACTED THAT; the Utility and Environmental Services Ordinance shall be approved in accordance with the following procedures:

LEGISLATIVE HISTORY

- **Approved Utility and Environmental Services Ordinance No. 49/84, (June 12, 1984)**
- **Amending Utility and Environmental Services Ordinance No.8/4/07, (August 3, 2007)**

**UTILITY AND ENVIRONMENTAL SERVICES ORDINANCE
SAUK-SUIATLE INDIAN TRIBE**

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ARTICLE I

GENERAL PROVISIONS

SECTION 1.01 TITLE AND DATE: This ordinance shall be titled: the Sauk-Suiattle Tribal Utility and Environmental Service Ordinance. The ordinance shall become effective immediately upon adoption by resolution by the Sauk-Suiattle Indian Tribal Council.

SECTION 1.02 AUTHORITY: The authority to establish a Tribal Utility and Environmental Services Organization to levy appropriate user fees to all residents and organizations operating within those areas identified in Section 1.04, is pursuant to the provisions of Article VII, Section 1 (N) of the Tribe's Constitution and Bylaws the Tribal Council affirming the legislative authority to enact ordinances to protect and Article VII, Section 1 (P) to promulgate laws and ordinances.

SECTION 1.03 PURPOSE: The purpose of the Sauk-Suiattle Tribal Utility and Environmental Service Ordinance is to define the policies, establish an organization and identify the necessary rules and regulations for: (1) the operation, maintenance and management of the various public utilities located within the boundaries of the Sauk-Suiattle Indian Tribe Reservation and lands owned by, held in trust for, leased or fee lands owned or controlled by the Tribe, and (2) management for the provision of essential environmental services within the aforementioned boundaries.

SECTION 1.04 POLICY: It shall be the policy of the Sauk-Suiattle Indian Tribe to operate, maintain and manage the public utilities and essential environmental services within the boundaries of the Sauk-Suiattle Indian Tribe Reservation and lands owned by, held in trust for, leased or fee lands owned or controlled by the Tribe, so that the community residents are provided with a high level of public utility and environmental services designed to minimize exposure to adverse conditions which could negatively impact the physical and environmental health of any individual or the community, and that the operation maintenance and management of the public utilities and environmental services shall be carried out through an efficient program and in a financially responsible cost effective and self-sufficient manner.

SECTION 1.05 JURISDICTION: Jurisdiction is extended over all Sauk-Suiattle Indian Tribe activities and operations under the management and authority of the Tribe, which includes, but is not limited to the Utility and Environmental Service Department.

ARTICLE II

DEFINITION OF TERMS

SECTION 2.01 GENERAL: Unless the content specifically indicates otherwise, the meaning of terms used in this Ordinance shall be set forth in this Article II.

SECTION 2.02 APPURTENANCES: "Appurtenances" are the real and personal property owned by the Utility and Environmental Service Department or the Tribe located on, or near or under the roadways and streets, including but not limited to, fire hydrants, street lamps, street signs, valves, manhole covers and drains.

SECTION 2.03 CUSTOMER: "Customer" means a person, business, agency or other organization that uses, is entitled to use, or is obligated to pay for the use of or provision of services from the Utility and Environmental Services Department.

SECTION 2.04 CUSTOMER LINES: "Customer lines" are the potable water lines and sanitary sewer lines located immediately adjacent to, inside of, or under a customer's residence or other building or property, which are either connected to utility service lines or are maintained by the customer separately from utility service lines.

SECTION 2.05 GARBAGE: "Garbage" shall mean all degradable and non-degradable refuse and solid waste without economic value that is generated through the course of normal living by the residents and organizations in the community.

SECTION 2.06 DISTRIBUTION SYSTEM LINES: "Distribution system lines" are those potable water lines maintained by the Utility and Environmental Services Department by which water utility services are provided to customers.

SECTION 2.07 COLLECTION LINES: "Collection lines" are those sanitary sewage lines maintained by the Utility and Environmental Services Department by which sanitary sewer collection and disposal services are provided to customers.

SECTION 2.08 METER: "Meter" is a device, owned by the Utility and Environmental Services Department, for measuring the amount of water utility services provided to a particular customer.

SECTION 2.09 MANAGER: "Manager" shall mean an individual hired by or appointed by the Utility Authority to oversee and manage the operation of the Utility and Environmental Services Department.

SECTION 2.10 OPERATOR: "Operator" shall mean an individual hired by or appointed by the Utility Authority or manager to provide direct day to day preventive maintenance and operational service for the public water and sanitary utilities.

SECTION 2.11 ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS: "On-site sewage treatment and disposal systems" shall mean individual or community septic tanks and subsurface drain fields and associated appurtenances that collect, treat and dispose of liquid waste generated by customers, which are maintained and operated by the Utility and Environmental Services Department.

SECTION 2.12 OFF-RESERVATION: "Off-reservation is any area located outside of the exterior boundaries of the Sauk-Suiattle Indian Tribe Reservation.

SECTION 2.13 REGULATION: "Regulation" is a rule of law or procedure duly adopted by the Utility Authority, and duly approved by the Tribal Council for purposes for implementing the requirements of this ordinance.

SECTION 2.14 SEWAGE DISPOSAL SYSTEM CLEANER: "Sewage disposal system cleaner" shall mean any individual, firm, contractor or organization whom the Utility Authority contracts with, to pump out on-site sewage treatment and disposal systems and dispose of the waste material and/or to repair the on-site sewage treatment and disposal systems located on the Sauk-Suiattle Indian Reservation, including any other tribally controlled off reservation properties.

SECTION 2.15 TRIBAL COMMUNITY: "Tribal Community" for purposes of this ordinance, shall include, but not limited to, enrolled Sauk-Suiattle Tribal members living within the boundaries of the Sauk-Suiattle Indian Reservation and/or lands owned by, held in trust for, leased or fee lands owned or controlled by the Sauk-Suiattle Indian Tribe.

SECTION 2.16 CONTRACTOR: "Contractor" shall mean any individual, firm, contractor or organization that contracts with the Utility Authority to provide environmental services to utility repairs, design, inspection, reconstruction or operation.

SECTION 2.17 UTILITIES AND ENVIRONMENTAL SERVICES: "Utilities and Environmental Services" are those basic services necessary for supporting residential and commercial development, including, but not limited to, water, sewer, garbage collection, wireless internet, road maintenance and appurtenances.

SECTION 2.18 UTILITY AUTHORITY: "Utility Authority" is the agency responsible for, and authorized to manage, the Utility and Environmental Services Department of the Sauk-Suiattle Indian Tribe, as established by this ordinance.

SECTION 2.19 UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT: "Utility and environmental Services Department" is a governmental department of the Sauk-Suiattle Indian Tribe authorized to operate the utility services provided by the Tribe.

SECTION 2.20 DEPARTMENT: "Department" shall mean the Utility and Environmental Services Department of the Sauk-Suiattle Indian Tribe.

SECTION 2.21 VENDOR: "Vendor" is any individual firm, contractor or organization who regularly supplies parts, equipment, supplies and services to the Utility and Environmental Services Department used in the operation, maintenance and management of the Utilities and Environmental Services of the Sauk-Suiattle Indian Tribe.

SECTION 2.22 SHALL, MAY: "Shall" is mandatory; "may" is permissive.

ARTICLE III

UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT AND UTILITY AUTHORITY

SECTION 3.01 ESTABLISHMENT OF UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT: There is hereby established the Sauk-Suiattle Tribal Utility and Environmental Services Department having the responsibility for operating and maintaining the tribal public utilities and providing essential community environmental services directly or by contract.

SECTION 3.02 UTILITY AUTHORITY: There is hereby established the Sauk-Suiattle Tribal Utility Authority to serve as the advisory, administrative and management authority for the Sauk-Suiattle Tribal Utility and Environmental Services Department.

SECTION 3.03 UTILITY AUTHORITY – OPERATING ORGANIZATION: The Utility Authority shall operate as a subordinate unit of tribal government, independent in its daily operation, but responsible to the Tribal Council for its actions. The methods of appointment, terms of office, and operating procedures of the Utility Authority shall be set forth in this ordinance and in regulations adopted by the Utility Authority and duly approved by the Tribal Council.

SECTION 3.04 UTILITY AUTHORITY – POWERS AND RESPONSIBILITIES: The Utility Authority shall manage the public utilities of the Tribe, and obtain and disburse funds as required for operation, maintenance and expansion of the tribal public utilities.

To fulfill these responsibilities, the Authority shall have the power to:

- (1) Levy and collect reasonable fees for utility services;
- (2) Provide for the hiring and compensation of appropriate management and maintenance personnel, pursuant to tribal personnel policy and regulation;
- (3) Adopt appropriate regulations to implement the requirements of this ordinance;
- (4) Authorize disbursement of funds for operation, maintenance and repair of utility services, pursuant to tribal finance policies and regulations;
- (5) Contract with vendors and contractors to assure that safe and reliable environmental services are available to and utilized by the customers of the Utility and Environmental Services Department.
- (6) Authorize investment of Utility and Environmental Service Department funds.

SECTION 3.05 UTILITY AUTHORITY – MEMBERSHIP: The Utility Authority shall be composed of five persons appointed by the Tribal Council. One person shall be selected from the Tribal Council; one person selected at large; and three persons selected from the tribal community. Any positions not filled by the tribal community, shall be appointed at large by Tribal Council. Members of the Utility Authority shall be known as Utility Commissioners.

SECTION 3.06 TERM OF OFFICE: All commissioners will serve a three-year term.

Terms shall expire upon the swearing in of newly appointed Commissioners.

In the event that the Council Representative Commissioner loses or resigns his position on the Council, his appointment to the Utility Authority shall expire immediately and the Council shall fill the vacancy by appointment of a new Commissioner at the next regular meeting of the Tribal Council.

SECTION 3.07 UTILITY AUTHORITY – METHOD OF APPOINTMENT: The Tribal Council shall appoint persons to fill any Utility Authority vacancies. For the Commissioner positions to be filled by tribal community members, the Council shall advertise in the tribal newsletter soliciting interested persons for nomination. For all Commissioner positions, the Council shall choose persons capable and willing to perform the duties of the Authority. After receiving nominations, the Council shall appoint Commissioners by a majority vote.

SECTION 3.08 UTILITY AUTHORITY VACANCIES: If a Commissioner resigns, moves from the local area, dies or is found guilty of a felony or major crime in any court of law, the Tribal Council shall declare the Commissioner position vacant. If any Commissioner misses two consecutive Utility Authority meetings without a valid excuse, the Tribal Council shall declare the position vacant. All vacancies shall be filled within one month in accordance with this section. In the event that the number of unfilled Commissioners vacancies prevents gathering of a quorum for purposes of conducting business, the Tribal Council shall act as the interim Utility Authority until such time as the filling of Commissioners' vacancies allows for a quorum.

SECTION 3.09 OFFICERS: Within ten days after the appointment of the initial Commissioners, there shall be an organizational meeting of the Utility Authority to elect a Chairman, Vice Chairman and a Secretary-Treasurer from among the Utility Authority Commissioners. The officers shall be elected annually thereafter, immediately following the appointment by the Tribal Council of the new Commissioners.

SECTION 3.10 DUTIES OF OFFICERS: Officers of the Utility Authority shall assume the following duties:

1. Chairman – Shall preside at all meetings: call and arrange all meetings: be responsible for all general management of the Utility Authority's affairs; and perform all duties incidental to the office.
2. Vice-Chairman – Shall perform all of the Chairman's duties in the absence of the Chairman; and shall assist the Chairman as required in handling the Utility Authority's affairs.
3. Secretary-Treasurer – (a) Shall keep or cause to be kept a complete and accurate record of all meetings and shall maintain all correspondence, notices and records of the Utility Authority;(b) Shall be responsible for maintaining financial records of the Utility and Environmental Services Department;(c) Shall report the Department's financial status at each regularly scheduled Utility Authority meeting and shall present to the

Commissioners for their action all requests for funds to meet the Department's financial obligations. (d) Shall prepare an annual financial statement for submission to the Tribal Council for the general membership meeting. (e) Further, the Treasurer shall make all investments for the Utility Authority in accordance with appropriate sections of the ordinance.

SECTION 3.11 MEETINGS: The Utility Authority shall meet when business demands and requires attention, but in no case less than once per quarter. Regular and special meetings shall be called by the Chairman. Any two Commissioners may request the Chairman, in writing, with copies to the Secretary-Treasurer, to schedule a special meeting of the Utility Authority. If the Chairman fails to schedule a meeting within five days after receipt of a written request, any other two Commissioners may call such a meeting.

Meetings shall be held in public places and the Utility Authority shall provide at least 5 days public notice of Authority meetings. Emergency meetings may be convened with less than five days notice, in cases of emergency where loss of life, limb or property is threatened, or where the continued operation for fiscal capability of the Tribal public utilities may be in jeopardy. All meetings shall be open to members of the tribal community and to users of the Tribal Public Utilities.

SECTION 3.12 QUORUM AND VOTING: A minimum of three Commissioners are required to establish a quorum and conduct Utility Authority business. Any action taken by the Utility Authority must be approved by a majority vote of those Commissioners present at a Utility Authority meeting. Each Commissioner of the Utility Authority, except the Chairman, shall be entitled to vote on each matter coming properly before the Utility Authority. The Chairman shall vote only in the event of a tie, or to establish a quorum.

SECTION 3.13 MEETING AGENDA: Regular meetings of the Utility Authority shall be conducted according to the following agenda outline:

1. Call to Order
2. Roll Call
3. Reading of minutes of previous meeting
4. Report by Treasurer
5. Report by Manager and/or Operator
6. Unfinished business
7. New business
8. Miscellaneous business
9. Adjournment

SECTION 3.14 COMPENSATION: Commissioners of the Utility Authority shall serve without monetary compensation, except as determined by the Tribal Council. The Council shall establish prevailing government rates for mileage, per diem, or other costs, consistent with tribal policy and shall direct the finance department to approve such expenditures; provided that funds are available within the Utility and Environmental Services Department budget approved by the Utility Authority and ratified by the Tribal Council.

SECTION 3.15 PUBLIC HEARINGS: The Utility Authority shall convene public hearings to discuss changes in utility rates assessed to users of tribal public utilities. All users of tribal public utilities shall be afforded five days written notice of such hearings, and adequate notices shall be posted at appropriated places within the community and/or in the tribal newspaper.

ARTICLE IV

MANAGEMENT AND FINANCES

SECTION 4.01 MANAGEMENT PERSONNEL: The Utility Authority shall manage the business and operating affairs of the Utility and Environmental Services Department. The Utility Authority may provide for hiring and contracting personnel for the care and maintenance of the Tribal Public Utilities, and establish compensation rates, in accordance with tribal personnel policies and consistent with the Utility Department approved budget. The Utility Authority may delegate only those management duties that are not specifically designated as duties to be performed exclusively by the Utility Authority.

SECTION 4.02 ANNUAL BUDGET: The Utility Authority shall establish an annual budget, enumerating the necessary costs of Utilities and Environmental Services operation, maintenance, administration, personnel, liability and other insurance, and a reserve for major repairs and replacements.

SECTION 4.03 USER FEE SCHEDULE: The annual budget shall be used to determine a fee schedule to be assessed to the users of Tribal Public Utilities. The budget and fee schedule shall be approved by the Utility Authority and ratified by the Tribal Council by resolution.

SECTION 4.04 FISCAL YEAR: The fiscal year for the Utilities and Environmental Services Department shall be based on a calendar year, consistent with Tribal policy.

SECTION 4.05 DEPOSITORY: The Department shall maintain a separate commercial account or accounts in any bank selected by the Utility Authority. Said account shall be in the name "Sauk-Suiattle Tribal Utility Authority".

SECTION 4.06 INVESTMENTS: Funds on deposit in excess of 30 days working capital may be invested in insured deposits at a commercial bank, savings and loan association or investment company offering the highest interest rate, provided that investment deposits shall have immediate liquidity. Investment deposits shall be made by the Utility Authority Treasurer. Withdrawals of investments require the approval of the Utility Authority and Tribal Council. Withdrawals from accounts shall be signed by two of the officers of the Tribal Council.

SECTION 4.07 DISBURSEMENTS AND RECEIPTS: The Utility Authority shall determine the distribution of funds required for the operation, maintenance and management of the Tribal Public Utilities and Environmental Services. Disbursements will be made by check upon presentation of invoices or vouchers. Disbursements shall be made by the Officers of the Utility Authority or employees properly designated by the Utility Authority. The checks written on accounts shall be signed by two of the Officers of the Tribal Council. Cash receipts will be deposited intact, as to

amount, in the depository promptly. Receipts will be issued for all cash received and copies filed and retained for accounting.

SECTION 4.08 RECORDS AND ACCOUNTS: Suitable financial records shall be maintained for all expenditures, receipts from payments for services, investments and returns on investments and any other financial matters necessary for operation of the Utility and Environmental Services Department. The separate accounting records for the Department shall be maintained in an appropriate business-like manner. The records of accounts shall be made available to the Tribal Council upon request.

SECTION 4.09 EXCLUSIVE USE OF FUNDS: The funds accrued by the Utility Authority and kept on deposit are for the exclusive use of the Utility and Environmental Services Department for the necessary operation, maintenance, and management of the Tribal public utilities and environmental services. Utility Authority funds shall not be transferred or loaned to the Tribal General Fund or any other accounts of the Tribe or other Tribal departments, except to pay for services provided to the Utility Authority Department by other Tribal Departments.

SECTION 4.10 AUDIT AND REPORTS: The accounts of the Utility Authority will be audited annually at the close of the fiscal year. Annual and periodic reports will be submitted by the Utility Authority to the Tribal Council.

SECTION 4.11 BONDING: Officers of the Utility Authority and any other person(s) designated to handle funds for the Utility and Environmental Services Department, shall be bonded for amounts up to \$1000,000.00.

SECTION 4.12 INSURANCE: Fire and other insurance on property owned or used by the Department or on property in which the Department has an insurable interest shall be in amounts and type of coverage specified by the Utility Authority. Insurance may be part of the Tribal insurance policies, with the expenses thereof pro-rated to the Department if so directed by the Tribal Council.

SECTION 4.13 REGULATIONS AND POLICY: The Utility Authority shall have the authority to adopt appropriate regulations and policy as needed to implement the provisions contained in this ordinance. Any proposed regulation or policy shall be submitted to the Tribal Council for review at least two weeks prior to its proposed effective date; provided, however, that emergency regulations may be adopted, and shall take effect immediately, without prior Council review. Emergency regulations shall be transmitted to the Tribal Council within 48 hours after adoption. Any regulation may be rescinded or approved by the Tribal Council at its discretion.

SECTION 4.14 REGULATION: POLICY SUSPENSION ALTERATION: No regulation duly adopted by the Utility Authority may be suspended or altered by any person without prior written authorization of the Utility Authority.

SECTION 4.15 AMENDMENTS: The Utility Authority shall recommend amendments to this ordinance that it believes necessary to promote the efficient, cost effective and self-sufficient operation of the Utility and Environmental Services Department, and shall present such amendments to the Tribal Council for approval.

SECTION 4.16 GRIEVANCES: Any customer or any applicant for utility services, who is aggrieved by any action of the Utility and Environmental Service Department or the Utility Authority may file a complaint with the Utility Authority. The Utility Authority shall abide by the regulation set forth in this ordinance and shall handle such grievances in a manner which provides for due process of law.

Grievances must be filed in writing to the Utility Authority within 10 business days of a reportable incident. From the date of receiving the written grievance, the Utility Authority then has 15 business days to respond in writing to the grievance.

All decisions by the Utility Authority on matters that have been submitted for grievance under the Department's grievance procedures shall be considered final. Final decisions of the Utility Authority may be appealed to the Tribal Council by an aggrieved party only on the basis that the Department's grievance procedures were not followed, or that due process was denied.

SECTION 4.17 NON-WAIVER OF SOVEREIGN IMMUNITY: The Utility and Environmental Services Department is an agency of the Sauk-Suiattle Indian Tribe, and thereby retains all rights of sovereign immunity of the Tribe. By providing services and entering into service agreements, the Department shall not waive the sovereign immunity of the Sauk-Suiattle Indian Tribe or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Sauk-Suiattle Indian Tribe.

ARTICLE V

UTILITY AND ENVIRONMENTAL SERVICES – OPERATION

SECTION 5.01 SERVICES PROVIDED: The services provided by the Utility and Environmental Services Department shall include domestic water, sewer, garbage, wireless internet service and roads and appurtenances. Additional services may be provided upon approval by the Utility Authority and ratification by the Tribal Council.

SECTION 5.02 WATER SERVICE: The Utility Authority is responsible to provide safe, adequate water for a fee to those houses connected to the mainlines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants, meters and service lines to the meters only. The service line from the meters to the house and interior house plumbing are the responsibility of the customer. The individual household water meters are owned by the Utility Authority and is the responsibility of the Department to maintain the meters.

SECTION 5.03 SEWAGE SERVICE: The Utility Authority is responsible to provide sanitary disposal of domestic liquid waste for a fee to those houses connected to the mainlines of the community sewage system. Further, the Utility Authority is responsible for the maintenance and repair of the community and individual on-site sewage disposal systems. Responsibility for maintenance will include treatment facilities, pumping stations, mainlines and manholes and service lines. For individual on-site sewage treatment and disposal systems responsibility for maintenance extends from the inlet of the septic tank. The service line from the septic tank inlet to the house and

interior house plumbing are the responsibility of the customer. The household septic tanks are owned by the Utility Authority and they are the responsibility of the Department to maintain.

SECTION 5.04 GARBAGE SERVICE: Household garbage and household recycling collection and disposal service shall be provided by the Utility Authority for a fee for the houses located in the reservation community. The Utility Authority will enter into a contract with a nearby solid waste collection contractor in order to provide this service to the community.

SECTION 5.05 ROADS AND APPURTENANCES: The Utility Authority will provide ~~construction~~, operating and maintenance services under contract with governmental or tribal agencies or private firms, contractors, vendors or individuals.

SECTION 5.06 WIRELESS INTERNET SERVICE: The Utility Authority is responsible to provide wireless internet service for a fee to those houses in the service area. Responsibility for internet service will include maintenance of lines and connection to antenna and power box. The connection lines inside the home, including household computers are the responsibility of the customer.

SECTION 5.07 FUTURE SERVICES: At some future date the Utility Authority may assume responsibility to provide electrical, gas, telephone, cable TV or other utility services.

SECTION 5.08 MAINTENANCE SCHEDULE: The Utility Authority shall develop and follow a regular schedule of maintenance service for each water and sewage system and components thereof. Written logs and maintenance service will be maintained by the Utility Operator.

SECTION 5.09 PERSONNEL: The Utility Authority shall have the full authority to hire, evaluate and discipline or fire if necessary the personnel required to manage, operate and maintain the Public Utilities. Existing tribal Staff may be used and employed by the Utility and Environmental Services Department to provide necessary maintenance and management services through agreements approved by the Tribal Council and the Utility Authority. Job descriptions for all employees will be developed and followed.

SECTION 5.10 PURCHASING: The Utility Authority Secretary-Treasurer must give approval and disburse funds according to appropriate sections of this ordinance. An accurate account and receipts of all expenditures will be kept.

SECTION 5.11 EQUIPMENT: All utilities equipment shall be maintained according to the established maintenance schedule and quickly repaired when necessary so that disruptions in service are minimized.

Utility tools and equipment are not for personal use. Equipment shall not be loaned to other Tribal Departments. An inventory of tools and the individual to whom they were assigned shall be maintained.

Individuals will be held responsible for the security of all tools and supplies that are assigned to them.

SECTION 5.12 INVENTORY: An accurate inventory of tools, equipment and supplies will be kept up to date.

A reserve supply of repair parts and regularly used supplies will be maintained by the Department Operator.

A listing shall be kept of local suppliers of repair parts, replacement equipment and expendable supplies.

SECTION 5.13 PUBLIC RELATIONS: Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints that cannot be resolved should be referred to the Utility Authority in writing. The Utility Authority will resolve such complaints (see section 4.16 grievances). The Chairman may call a special meeting of the Commissioners to resolve complaints as deemed necessary.

SECTION 5.14 EMERGENCY NOTIFICATION: An emergency notification plan will be developed by the Utility Authority and reviewed annually for notifying residents and visitors of:

- A. Discontinued service for more than eight (8) hours.
- B. Substandard conditions in water quality. This includes bacteriological, chemical or physical quality deficiencies.
- C. Changes in scheduling of refuse pick-up
- D. Any other conditions which may adversely affect the health of the community residents or visitors.

SECTION 5.15 STAFF TRAINING: All employees that are newly assigned to operate the Utility systems shall receive instruction from an experienced operator. A minimum of 32 hours of instruction should be received before the new employee assumes responsibility for operations.

Regular operators should receive up to 40 hours of formal instruction per year. The Utility Authority will assure that operators maintain current knowledge of water and sewer system operation techniques.

A training plan for the water system operators shall be developed which will provide for upgrading of knowledge and skills in water utility operations, maintenance and management. The goal of the training program shall be Washington State certification.

SECTION 5.16 LIMITS OF RESPONSIBILITY: The Department shall not be responsible for, nor shall it maintain or repair, any private or domestic water, sewer or garbage system, roads, lighting or computer except by specific agreement establishing fair rates of compensation to the Department and that is approved and signed by the Utility Authority and owner of such facilities. The Department shall not be liable for any loss of damage beyond its control resulting from any defect in, or damage to, a customer's water or sewer lines or fixtures, garbage storage facilities, driveways or parking lots, hydrants, lighting or computers.

SECTION 5.17 RIGHT OF ENTRY – INSPECTIONS: The Department, or its authorized representative, is hereby authorized to make limited, reasonable inspections, at reasonable times, of any grounds, building or residence served by the Utility Department to the extent necessary to

insure that customer utility fixtures, lines and equipment are not being operated in a manner that would likely disrupt or interfere with utility services. Except in cases of emergency where life, limb, or property are threatened, or in cases of immediate water shortages, the Department shall give the customer at least 24 hours notice prior to requesting permission to enter and inspect. If permission to enter and inspect is denied or impeded in any way, the Department may obtain appropriate authorization for such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Department may assess accrued costs and related expenses and add them to the affected customer's bill.

SECTION 5.18 DISRUPTION OF SERVICE: The Department may shut off water or sewer service, or disrupt traffic on the public right-of-way to perform repairs, provided that advance notice has been given to affected customers. Provided, however, that in cases of emergencies where loss of life, limb or property is threatened, or in cases of immediate water shortage, service may be disrupted without advance notice. The Department shall not be responsible for consequent damage as a result of lack of water or sewerage during authorized disruptions of service.

The Department shall not be liable for any associated damages or delay caused by the breaking or leaking of any pipe, valve, fixture or other contrivance as a result of the lack of water or sewerage to or from any mains, services, hydrants, lines or reservoirs during authorized disruptions of service.

SECTION 5.19 PERMITS: No connection, re-connection with, disconnections from, or other private use of any Department water or sewer system, road, appurtenance or other utility service or facility shall be made without written permission of the Utility Authority. No construction of any private water or sewer system, or other private utility is authorized without written permission from the Utility Authority. The Utility Authority may require such plans from the permit applicant as it determines are necessary to decide whether or not a permit should be issued.

SECTION 5.20 WATER SHORTAGE – SERVICE PREFERENCE: In cases of a water shortage proclaimed by the Utility Authority, the Department shall regulate the amount of water any customer may be allocated. The Utility Authority also may give preference to the customers and/or amounts of water to be allocated, provided the Utility Authority allocates water according to public necessity of convenience and provided for fair allocations between customers. Any customer violating a legal allocation may have his water service discontinued. Service shall be resumed only upon payment of the approved reconnection fee and any penalties.

SECTION 5.21 UNNECESSARY WASTE OF WATER: The Utility Authority reserves the right to terminate customer's service when the customer has repeatedly, unduly wasted water. Such undue waste is evidenced by the fact that hydrants, taps, hoses and other fixtures are permitted to run continuously when not in productive use. Where such conditions have been observed, the Utility Authority having been notified of the condition may terminate water to the premise if the condition is not corrected within 48 hours after receipt of the notice. Service shall be resumed only after correction of the condition causing wastage of water and payment by the customer of the approved reconnection fee, penalties and any other accounts in arrears to the Utility Authority.

SECTION 5.22 CONSERVATION OF RESOURCES: The Department shall conduct operation, maintenance and repair services in a manner that will maximize the conservation of natural, financial and property resources. Customers of the Department shall be encouraged to conserve water resources and to limit water use as necessary to provide a comfortable, healthy and

aesthetically pleasing life style. The Department may offer assistance and service to customers for water conservation and other material resources conservation and recovery as determined to be feasible by the Utility Authority.

SECTION 5.23 NEW CUSTOMER SERVICES: Any building within the service area of the Utilities shall be eligible for services, provided all of the following conditions are met:

- A. Facilities as determined by the Indian Health Service are adequate to meet additional load.
- B. New customer agrees to adhere to this Ordinance.
- C. Approval by the Utility Authority and the Tribal Council.

ARTICLE VI

CUSTOMER OBLIGATIONS

SECTION 6.01 CONDITIONS FOR SERVICE AND PAYMENTS: As a condition for receiving utility services from the Utility and Environmental Services Department, the customer agrees to comply with all provisions of this Ordinance and any regulation duly adopted by the Utility Authority as well as any other applicable codes or regulations, including being current in the payment of all fees, penalties, costs, damages or other charges assessed by the Department.

SECTION 6.02 MAINTENANCE, REPAIRS, LIABILITY: The customer shall be responsible for maintaining and repairing water and sewer lines located on or in the customer's grounds, building or residence in compliance with applicable regulations. The customer shall notify the Department in advance of major maintenance or repairs planned for water or sewer lines. The customer shall permit the Department to inspect the work for compliance with applicable regulations. The customer shall be liable for any damage to the Department's lines, equipment or other property caused by the customer, his family, guests, invitees, tenants, agents, employees, contractors, licensees or permittees or other persons under the customer's control or authority.

SECTION 6.03 CUSTOMER TERMINATION OF SERVICE; ABANDONMENT: A customer planning to vacate any grounds, building or residence served by the Department shall notify the Department in writing one week prior to the date the customer plans to either vacate or terminate service, whichever is later. A customer who fails to give notice is responsible for all charges accrued up to one week after notice is received by the Department, or up until service is terminated, whichever comes first.

SECTION 6.04 WATER SHORTAGES: During water shortages declared by the Utility Authority, the customer shall limit his use of water according to allocations established by the Utility Authority.

SECTION 6.05 INSPECTIONS: The customer shall not unreasonably withhold permission for the Department to enter and inspect the Department's and customer fixtures, lines and equipment when necessary to insure that they are operating in a manner that would not likely disrupt or interfere with

utility services. The customer shall be liable for any costs or related expenses caused by his unreasonable withholding of permission.

SECTION 6.06 PERMITS: The customer shall obtain written permission from the Utility Authority prior to making any connection, re-connection with, disconnection from, or other private use of any Department water of sewer system, road, appurtenance or other utility services or facility. The customer shall obtain written permission from the Utility Authority prior to constructing any private water or sewer system, or other private utility.

SECTION 6.07 CROSS-CONNECTIONS: The customer shall not make a cross-connection with the Tribal Public Water Supply. A cross-connection is defined as any physical connection between the Tribal Public Water System and another piping system, either water or waste. Any individual source must be totally disconnected from the household plumbing prior to connection to the Tribal Public Water Supply. "Disconnection" done solely by a valve shall not be allowed.

SECTION 6.08 SOLID WASTE FACILITIES: The Utility Authority shall provide refuse containers. The customer shall maintain the cans and holding facility in a manner that prevents the harborage of rodents and vermin. There shall be no excessive accumulation of refuse, garbage, recycling material or solid waste in the community or around individual home sites.

SECTION 6.09 USE OF SEWER SYSTEM: The customer shall use the sewer collection, treatment and disposal system only for the disposal of normal household liquid waste including waste from toilet facilities, shower and bathing facilities and kitchen facilities.

SECTION 6.10 UNAUTHORIZED DISPOSAL: The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines or subsurface drain field to become blocked or excessively loaded with solids, including but not limited to garbage, disposable diapers, sanitary napkins, paper material other than toilet paper, cigarette waste, cat litter, etc. The installation and use of garbage grinders on the household waste plumbing is prohibited.

SECTION 6.11 TOXIC WASTE DISPOSAL: No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any Utility Department or private sanitary or storm sewer system. Toxic and hazardous waste includes but is not limited to: oil, pesticides, gasoline, organic solvents, paint, poisons, and other manufactured chemical compounds.

ARTICLE VII

FEE SCHEDULES AND BILLING

SECTION 7.01 FEE SCHEDULE ESTABLISHMENT: The schedule of fees for utility services shall be set annually by the Utility Authority. The fee schedule shall be based on the estimated average annual costs for operation of all utility services. The fee schedule shall include a basic rate for all services, payment of which shall be required of each customer regardless of whether, or the extent to which, the customer uses any of the services and; other fees, charges, penalties and assessments which the Utility Authority is authorized to levy as provided under various sections of this Ordinance. The fee schedule may be adjusted as needed to meet utility operating expenses.

SECTION 7.02 PUBLIC HEARING: The Utility Authority shall hold a public hearing whenever a new fee schedule is proposed for adoption. Five days in advance of the hearing, the proposed fee schedule shall be sent to each customer and shall be posted in appropriate places. Following the public hearing the Utility Authority shall set a fee schedule, taking into consideration comments received at the hearing.

SECTION 7.03 NOTICE TO CUSTOMERS: A copy of the fee schedule adopted by the Utility Authority shall be sent to each customer at least 30 days prior to the date the established fees take effect.

SECTION 7.04 BILLING RESPONSIBILITY: The Utility Authority and/or Utility and Environmental Service Department is responsible for billing customers for Utility and Environmental Services. The billing services, however, may be contracted to the Tribe, Housing Authority, other agency or firm at the discretion of the Utility Authority and Tribal Council.

SECTION 7.05 MONTHLY STATEMENTS: Each month the Department shall mail to all utility customers a statement detailing the following information:

- A. The customer's name and account number
- B. The types and levels of service used in the current month
- C. The billed cost of the current month's service, plus an accounting of bills or charges past due, if any
- D. The date that payment is due
- E. The location to mail or deliver payment.

SECTION 7.06 DUE DATE: The monthly date on which payment will be due shall be established by Utility Authority.

SECTION 7.07 PAYMENT PAST DUE: Payments not received by the established due date are considered past due. The Department shall issue a notice of payment past due to the customer, detailing the payment owed and the consequences for failure to pay.

SECTION 7.08 DELINQUENT ACCOUNT: If the payment past due is not paid within 10 business days after the next regular monthly due date, the account shall be declared delinquent. The Department shall immediately notify the customer in writing once his account has been declared delinquent, and list the sanctions that may be imposed without further notice. Notice of delinquency shall be made by certified mail or other such means to provide proof of receipt by the customer.

SECTION 7.09 PAYMENT ARRANGEMENTS: A customer may contact the Utility Authority to make special payment arrangements. The customer shall pay the basic monthly fee, with any excess amounts to be paid, credited to past due or delinquent accounts. The customer shall make steady payments each month as indicated until the account is current. Failure to make monthly payments terminates any payment arrangements authorized and the Utility Authority has the authority to impose sanctions.

SECTION 7.10 ADVANCE DEPOSITS: The Utility Authority may require each new customer to pay an advance deposit equal in amount to the basic monthly rate fees for the first month of service,

prior to receiving services. The deposits shall be retained by the Utility Authority no longer than one year. The deposits shall be credited to the individual customer's utility account balance at the end of the deposit period, providing that the customer's account is not delinquent and in arrears. Any remaining deposit funds will be returned to the customer.

ARTICLE VIII

ENFORCEMENT; PENALTIES; SANCTIONS

SECTION 8.01 AUTHORITY AND ENFORCEMENT: The Utility Authority is hereby authorized by the Tribal Council to collect established fees for service and to impose sanctions and penalties for non-payment. The Utility Authority shall enforce its regulations, fee collections and provisions of this ordinance by shutting off water services of any and all violators and delinquent bill-payers or imposing other penalties and sanctions as authorized.

SECTION 8.02 ATTACHMENT OF CUSTOMERS PROPERTY: The Utility Authority shall not seek to attach a customer's property, nor seek to have fines assessed by Tribal Court, except in limited cases of blatant or continued abuses or destruction of property.

SECTION 8.03 PENALTY SCHEDULE: The Utility Authority shall develop and adopt a penalty schedule which outlines specific penalties, fines and assessments for violation and non-compliance with the provisions of this ordinance. The penalty schedule shall be reviewed for appropriateness annually by the Utility Authority.

SECTION 8.04 SANCTIONS AUTHORIZED: The following sanctions may be imposed by the Utility authority for failure of the customer to comply with any provisions of this ordinance or with any duly adopted regulation of the Utility Authority:

1. Termination of service(s)
2. Assessment of penalties based on a penalty schedule adopted by regulation of the Utility Authority
3. Assessment of late charges based on a schedule adopted by regulation of the Utility Authority
4. Assessment of damages resulting from the customer's non-compliance
5. Forfeiture of all or part of a deposit
6. Referring violations that may involve criminal conduct to the police or prosecutor.
7. Referring violations that may involve unsafe housing conditions to the Sauk-Suiattle Indian Tribe Housing Department

SECTION 8.05 SANCTIONS GUIDELINES: The Utility Authority shall use the following guidelines when considering the appropriate sanctions to be imposed in any give case:

1. Whether the sanction is required by this ordinance or other applicable law, or whether imposition is discretionary
2. The minimum sanction needed to effect compliance
3. The irreparable harm to the customer and/or family if the sanction is imposed

4. The irreparable harm to operation of the Department, and to the Tribe , if the sanction is not imposed
5. The customer's past record of compliance or non-compliance, or good faith efforts to achieve compliance
6. The customer's statements or behavior indicating the likely success of a given sanction securing compliance
7. The irreparable harm to other persons or property if the sanction is not imposed
8. The effectiveness of similar sanctions in securing compliance in other cases

ARTICLE IX

MISCELLANEOUS PROVISIONS

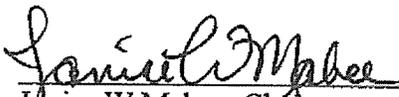
SECTION 9.01 VALIDITY, SEVERABILITY: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

SECTION 9.02 AMENDMENTS: The Sauk-Suiattle Indian Tribal Council has the power to amend this ordinance at any time. The Tribal Council shall act upon proposed amendments to this ordinance, submitted for action by the Utility Authority, by approval or disapproval of such proposed amendments

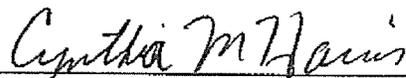
SECTION 9.03 SUSPENSION OF ORDINANCE: No employee, officer, contractor or agent of the Sauk-Suiattle Indian Tribe is authorized to suspend or alter any of the provisions of this ordinance without the formal approval of the Sauk-Suiattle Indian Tribal Council.

CERTIFICATION

Pursuant to the authority contained in Article VII, Section 1(N) of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, ratified by the Tribe on July 19, 1975 and certified by the Secretary of Interior on September 17, 1975, pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the foregoing Ordinance was adopted this 3rd, day of August at a Regular Council Meeting held at the Sauk-Suiattle Indian Reservation at which a quorum was present, by a vote of 4 for, 0 against, 1 abstain, and 2 absent.



Janice W Mabee, Chairman

ATTEST: 

Cynthia M. Harris, Secretary

**UTILITY ORDINANCE
ARTICLE VIII**

ENFORCEMENT; PENALTIES; SANCTIONS

SECTION 8.03 PENALTY SCHEDULE: (1)

- 1. Oversized Household Waste Containers**
\$ 2.00 per container per week
- 2. Additional Waste** (2 cans are authorized per household per week)
\$ 2.00 per can or bag
(waived on Christmas and 4th of July weeks)
- 3. Extreme Waste of Water** (knowingly)
\$ 5.00 per day
- 4. Customer Negligence** – example: broken water/ sewer lines, damage to septic tanks, utility buildings/ property, damaged or lost garbage cans/ carts provided by utility department to customers, etc.

\$ cost of repair/ replacement – parts and labor
- 5. Past Due Notice** – late fee
\$ 5.00
- 6. Delinquent Notice**
\$ 5.00
- 7. Termination of Service**
\$ 20.00 re-hook up fee

Amendment to utilities ordinance 7/30/07
Approval Date: 8/05/2008
Effective date: 9/01/2008