

**Consolidated Borough Quil Ceda Village
Utility and Environmental Services
Ordinance No. 13.01.1**

WHEREAS, the Village Council is the governing body of the Consolidated Borough of Quil Ceda Village under the Village Charter approved by the Tulalip Tribes' Board of Directors pursuant to Ordinance 111, and

WHEREAS, the Village Council is empowered by Article I, Section 3 and Article VII, Sec. 2(b) of the Charter to exercise governmental powers to protect the health of persons coming within the boundaries of the Village, and

WHEREAS, the Village Council finds that the Tulalip Utilities Ordinance #76, Sec 1.05(a) has been amended by The Tulalip Tribes' Board of Directors Resolution No. 02-187 to allow, within, the boundaries of Quil Ceda Village, the establishment of a Utilities Department, and

WHEREAS, the Council finds that it is necessary to define policies to establish the Village Utility and Environmental Services Department within the boundaries of the Village and it is consistent with the current and future development plans of the Village, and

WHEREAS, the Council finds that it is necessary to establish the Village Utility and Environmental Services Department, the Village adopts the Utility and Environmental Services Ordinance No. 13.01.1 governing the Village Utility and Environmental Services Department.

NOW THEREFORE, BE IT ORDAINED by the Council of the Consolidated Borough of Quil Ceda Village as follows:

Purpose: The purpose of the Village 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 on the Quil Ceda Village, and**
- 2. Management for the provision of essential environmental services within the Consolidated Borough of Quil Ceda Village.**

Court Given Jurisdiction:

The Tribal Courts of the Tulalip Tribes are hereby provided jurisdiction to hear and determine all causes brought under the Ordinances of the Consolidated Borough of Quil Ceda Village,

Contact: John McCoy, Quil Ceda Village Manager, 360-651-4119

ADOPTED by the Council at a regular meeting assembled on the 2nd of July, 2002, with a quorum present by a vote of 3 for and 0 against.

THE CONSOLIDATED BOROUGH OF QUIL CEDA VILLAGE

Stanley G. Jones, SR., Village President

ATTEST:

Village Clerk

Consolidated Borough of

Quil Ceda Village Council

Utility and Environmental Services
Ordinance

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Consolidated Borough of Quil Ceda Village Council Utility and Environmental Services Ordinance

ARTICLE I GENERAL PROVISIONS

Section 1.01. Title and Date: This ordinance shall be titled; the Consolidated Borough of Quil Ceda Village Utility and Environmental Services Ordinance. This Ordinance shall become effective immediately upon adoption by resolution by the Village Council .

Section 1.02. Purpose: The purpose of the Village 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 on the Quil Ceda Village; and
2. management for the provision of essential environmental services within the Consolidated Borough of Quil Ceda Village.

Section 1.03. Policy: It shall be the policy of the Quil Ceda Village to operate, maintain and manage the public utilities and essential environmental services within the boundaries of the Quil Ceda Village so that the Village residents are provided with a high level of environmental services designed to minimize exposure to adverse conditions which could negatively impact the physical and environmental health of any individual or the community. It shall also be the policy of the Village that the operation maintenance and management of the public utilities and environmental maintenance services shall be carried out through an efficient program and in a financially responsible cost effective and self-sufficient manner.

Section 1.04. Jurisdiction: The authority to establish a Village Utility and Environmental Services Organization and to levy appropriate user fees to all residents and organizations operating in the Village pursuant to the authority vested in the Village Council, pursuant to Tulalip Ordinance 111 and the Charter of the Village.

ARTICLE II DEFINITION OF TERMS

Section 2.01. General: Unless the context 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 Services Department or the Village located on, near or under the roadways and streets, such as fire hydrants and valves.

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 or receipt of services from the Utility and Environmental Services Department.

Section 2.04. Customer Lines: "*Customer lines*" are the potable water 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. 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 2.08. Manager: "*Manager*" shall mean an individual hired by or appointed by the Village or manager to oversee and manage the operation of the Utility and Environmental Services Department.

Section 2.09. Operator: "*Operator*" shall mean an individual hired by or appointed by the Utility Department or manager to provide direct day to day preventive maintenance and operational service for the public water and sanitary sewer utilities.

Section 2.10. On-site Sewage Treatment and Disposal Systems: "*On-site sewage treatment and disposal systems*" shall mean individual or community sewage treatment systems or 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 2.11. Off- Village: "*Off-village*" is any area located outside of the exterior boundaries Village.

Section 2.12. Regulation: "*Regulation*" is a rule of law or procedure duly adopted by the Village for purposes of implementing the requirements of this ordinance.

Section 2.13. Septic System Contractor: "*Septic system Contractor*" shall mean any individual, firm, contractor or organization who the Village 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 in the Village.

Section 2.14. Village Community: "*Village Community*," for purposes of this ordinance, shall include, but not necessarily be limited to persons entering the Village for all lawful purposes.

Section 2.15. Contractor: "*Contractor*" shall mean any individual, firm, contractor or organization who contracts with the Village to provide environmental services or utility repairs, design, inspection, reconstruction or operation.

Section 2.16. 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, power, communications, sewer, garbage collection, roads and appurtenances.

Section 2.17. Utility Department: "*Utility Department*" is the agency responsible for, and authorized to manage, the Utility and Environmental Services Department of the Village, as established by this ordinance.

Section 2.18. Utility and Environmental Services Department: "*Utility and Environmental Services Department*" is a governmental department of the Village authorized to operate the utility services provided by the Village.

Section 2.19. Department: "*Department*" shall mean the Utility and Environmental Services Department of the Village.

Section 2.20. 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 Village.

Section 2.21. Collection Lines: "*Collection Lines*" are those sanitary sewerage lines maintained by the Utility and Environmental Services Department by which sanitary sewer collection and disposal services are provided to customers.

Section 2.22. Shall, May: "*Shall*" is mandatory; "*may*" is permissive.

ARTICLE III UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT AND Village

Section 3.01. Establishment of Utility and Environmental Services Department: There is hereby established the Quil Ceda Village 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. Village Authority: The Village Council will serve as the advisory, administrative and management authority for the Village Utility and Environmental Services Department.

Section 3.03. Utility Department — Operating Organization: The Utility Department shall operate as a subordinate unit of Village government, responsible to the Village Council for its actions.

Section 3.04 Utility Department — Powers and Responsibilities: The Utility Department shall manage the public utilities of the Village, and obtain and disburse funds as required for operation, maintenance and expansion of the Village public utilities.

To fulfill these responsibilities, the Department 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;
3. Adopt appropriate regulations to implement the requirements of this Ordinance;

4. Authorize disbursement of funds for operation, maintenance and repair of utility services.
5. Contract with vendors and contractors to assure that safe and reliable environmental services are available to and utilized by the occupants of the Village.

Section 3.05 Public Hearings: The Utility Department shall convene public hearings to discuss changes in utility rates assessed to users of Village public utilities. All users of tribal Village utilities shall be afforded seven days written notice of such hearings, and adequate notices shall be posted at appropriate places within the community.

ARTICLE IV MANAGEMENT AND FINANCES

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

Section 4.02. Annual Budget: The Utility Department shall establish an annual budget enumerating the necessary costs of Utilities and Environmental Services operation, maintenance, administration, personnel, liability and other insurance, replacement, 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 Public Utilities. The budget and fee schedule shall be approved by the Utility Department and ratified by the Village Council.

Section 4.04. Fiscal Year: The fiscal year for the Utilities and Environmental Services Department shall be the same as the fiscal year of the Village.

Section 4.05. Depository: The depository of the Department shall be a separate commercial account or accounts in any bank selected by the Village. Said account shall be in the name "Quil Ceda Village Utility Department".

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 Manager Treasurer. Withdrawals of investments require the approval of the Utility Manager. Withdrawals from accounts shall be signed by two of the officers of the Village.

Section 4.07. Disbursements and Receipts: The Utility Department shall determine the distribution of funds required for the operation, maintenance and management of the Village 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 Village or employees properly designated by the Village. The checks written on accounts shall be signed by two of the Officers of the Village. Cash receipt shall 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 Village Council upon request.

Section 4.09. Exclusive Use of Funds: The funds accrued by the Utility Department 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 Village public utilities and environmental services. Utility Department funds shall not be transferred or loaned to the Village General Fund or any other accounts of the Village or other Village departments, except to pay for services provided to the Village or Department by other Village departments.

Section 4.10. Audit and Reports: The accounts of the Utility Department will be audited annually at the close of the fiscal year at the expense of the Department. Annual and periodic reports will be submitted by the Utility Department to the Village Council.

Section 4.11. Bonding: Officers of the Utility Department and any other person(s) designated to handle funds for the Utility and Environmental Services Department, shall be bonded for amounts up to \$100,000.

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 Department. Insurance may be part of the Tribal or Village insurance policies, with the expenses thereof pro-rated to the Department if so directed by the Village Council.

Section 4.13. Petty Cash: A petty cash fund is authorized to be established in the amount of \$2,000. This fund may be used to pay small expenses, when necessary, and to pay small obligations when it is not feasible to pay by check on the official depository. The fund may be reimbursed periodically from the official depository of the Utility Department in the amount of and upon the submittal of receipts, vouchers, and statements signed by the payees, of their proof of expenditure. Petty cash reimbursement vouchers shall be certified by the Manager.

Section 4.14. Regulations And Policy: The Utility Department shall have the authority to adopt appropriate regulations and policy as needed to implement the provisions contained in this ordinance.

Section 4.15. Regulation; Policy Suspension Alteration: No regulation duly adopted by the Utility Department may be suspended or altered by any person without prior written authorization of the Utility Department.

Section 4.16. Amendments: The Utility Department 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 Village Council for approval.

Section 4.17. Grievances: Any customer or any applicant for utility services, who is aggrieved by any action of the Utility and Environmental Service Department may file a grievance with the Village Council. The Utility Department and the Village Council 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. All decisions by the Utility Department or Village Council on matters that have been submitted for grievance under the Department's grievance procedures shall be considered final. Final decisions of the Utility Department may be appealed by an aggrieved party only on the basis that the Department's grievance procedures were not followed, or that due process was denied.

Section 4.18. Non-waiver of Sovereign Immunity: The Utility and environmental Services Department is an agency of the Village, and thereby retains all rights of sovereign immunity of the Village. By providing services and entering into service agreements, the Department shall not waive the sovereign immunity of the Village or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Village.

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 and garbage. Additional services may be provided upon approval by the Village Council.

Section 5.02. Water Service: The Utility Department is responsible to provide safe, adequate water for a fee to those houses, buildings, businesses and institutions connected to the mainlines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants, and service lines to the curb stops only. The service line from the curb stop to the house and the interior house plumbing are the responsibility of the customer. The individual water meters are owned by the Utility Department and it is the responsibility of the Department to maintain the meters. The tribal community water systems shall be managed such that the regulatory requirements of the Federal Safe Drinking Water Act, as established by the Environmental Protection Agency, are satisfied.

Section 5.03. Sewerage Service: The Village is responsible to provide sanitary disposal of domestic liquid waste for a fee to those houses, businesses and institutions connected to the mainlines of the community sewerage system. Further, the Village is responsible for the maintenance and repair of community sanitary sewage disposal systems and storm sewer systems. Responsibility for maintenance includes treatment facilities, pumping stations, mainlines, manholes, and service lines to the individual property lines. Tribal sewerage collection, treatment and disposal systems shall be managed such that applicable Federal regulations of the Clean Water Act and the National Pollution Discharge Elimination System are satisfied. The Village is responsible for maintenance individual on-site sewage disposal systems, including individual pumping stations, and for pumping the septic tanks on a periodic basis. The service line from the property line to the house or the septic tank inlet to the house and interior house plumbing are the responsibility of the customer.

Section 5.04. Garbage Service: Garbage collection and disposal service shall be provided by the Village for a fee for the buildings located in the Village community. The Utility Department

will provide this service directly or enter into a contract with a nearby solid waste collection contractor in order to provide this service to the Village.

Section 5.05. Future Services: At some future date the Utility Department may assume responsibility to provide electrical, gas, telephone, cable TV or other utility services.

Section 5.06. Maintenance Schedule: The Utility Department shall develop and follow a regular schedule of maintenance service for each water and sewerage system and components thereof.

Section 5.07. Personnel: The Utility Department 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 or Village 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, Village Council and the Utility Department. The specific personnel policies of the Village shall be followed. Job descriptions for all employees will be developed and followed.

Section 5.08. Purchasing: The Utility system operator may make or approve purchases from the petty cash fund for amounts up to \$2,000. Above this amount, the Utility Department Manager must give approval and disburse funds according to appropriate sections of this ordinance. An accurate account and receipts of all expenditure shall be kept.

Section 5.09. Equipment: All utilities equipment shall be maintained according to the established maintenance schedule and quickly repaired when necessary so that disruption in service are minimized. Utility tools and equipment are not for personal use. Equipment shall not be loaned to other Village departments. A record of tools and the individual to whom they were assigned shall be maintained. Individuals will be held responsible for the security of tools and supplies that are assigned to them.

Section 5.10. 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. A listing shall be kept of local suppliers of repair parts, replacement equipment and expendable supplies.

Section 5.11. Public Relations: The Utility Department shall keep customers notified about changes in fees, rates, solid waste collection schedule, water quality regulatory compliance, levels of service and any other information which may affect customers use of sanitary facilities. Notices may be included in monthly billing statements or may be disseminated to the public through separate mailings, newsletters, tribal newspaper or posting throughout the community. Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints may be presented verbally or in writing to any Department Staff member for resolution and action. Complaints that cannot be resolved within ten days should be referred to the Utility Department in writing. The Utility Department will resolve such complaints at the next regularly scheduled meeting of the Village Council.

Section 5.12. Emergency Notification: An emergency notification plan will be developed by the Utility Department 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 and septic tank pumping.
- D. Any other conditions which may adversely affect the health of the community residents or visitors.

Section 5.13. 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 Department will assure that operators maintain current knowledge of water 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 as Water Distribution Manager.

Section 5.14. Limits of Responsibility: The Department shall not be responsible for, nor shall it maintain or repair, any private or domestic water or sewer system, garbage, roads or lighting except by specific agreement establishing fair rates of compensation to the Department, and that is approved and signed by the Village and owner of such facilities. The Department shall not be liable for any loss or 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 or lighting.

Section 5.15. 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 Village 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 shall obtain a court order authorizing such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Department may assess court costs and related expenses and add them to the affected customer's bill.

Section 5.16. Disruption of Service: The Department may shut off water or sewerage 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 5.17. Permits: No connection, re-connection with, disconnections from, or other private use of any Department water or sewer system, road, appurtenance of other utility service or facility shall be made without a written permit by the Village. No construction of any private water or sewer system, or other private utility is authorized without written permission

from the Utility Department. The Utility Department may require such plans from the permit applicant as it determines are necessary to decide whether or not a permit should be issued.

Section 5.18. Water Shortage - Service Preference: In cases of a water shortage proclaimed by the Utility Department, the Department shall regulate the amount of water any customer may be allocated. The Department also may give preference to the customers and/or amounts of water to be allocated, provided the Village allocates water according to public necessity of convenience, and provides 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 5.19. Unnecessary Waste of Water: The Utility Department 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 Department 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 a wastage of water and payment by the customer of the approved reconnection fee, penalties and any other accounts in arrears to the Utility Department.

Section 5.20. 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 Department.

Section 5.21. New Customer Services: Any dwelling within the service area of the Utilities shall be eligible for services, provided all of the following conditions are met:

1. Facilities are adequate to meet additional load.
2. New customer agrees to adhere to this Ordinance.
3. Approval by the Utility Department.

ARTICLE VI CUSTOMER OBLIGATIONS

Section 6.01. Conditions for Service, 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 regulations duly adopted by the Village 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, tenants, agents, employees, contractors, licensees 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 Department, the customer shall limit his use of water according to allocations established by the Utility Department.

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

Section 6.07. Cross-connections: The customer shall not make across-connection with the Village 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 Village public Water Supply. "Disconnection" done solely by a valve shall not be allowed.

Section 6.08. Solid Waste Facilities: The customer shall provide his own refuse containers and 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 or solid waste in the community or around individual homesites.

Section 6.09. Use of Sewerage System: The customer shall use the sewerage 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.

Section 6.11. Toxic Waste Disposal: No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any Village or private sanitary or storm sewerage system. Toxic and hazardous waste include but are 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 Department. 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 Department 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 Department 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 Department 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 Department 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 Department and/or utility and Environmental Service Department is responsible for billing customers for Utility and Environmental Services. The billing service, however, may be contracted to the Village, Housing Authority, other agency or firm at the discretion of the Utility Department and Village Council.

Section 7.05. Monthly Statement: Each month the Department shall mail to all utility customers a statement detailing the following information:

1. The customer's name and account number;
2. The types and levels of service used in the current month;
3. The billed cost of the current month's service, plus an accounting of bills or charges past due, if any;
4. The date that payment is due; and
5. 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 Department regulation.

Section 7.07. Payments Past Due: Payments not received within 10 days after 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. The notice shall be sent no later than the date the next billing is sent out.

Section 7.08. Delinquent Account: If the payment past due is not paid within 10 days after the next regular monthly due date, the account shall be declared delinquent.

Section 7.09. Notice of Delinquency: 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 such other means to provide proof of receipt by the customer.

Section 7.10. Advance Deposits: The Utility Department 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 Department no longer than one year. The deposits, with interest compounded at passbook rates, 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 Department is hereby authorized by the Village Council to collect established fees for service and to impose sanctions and penalties for non-payment. The Utility Department shall enforce its regulations, fee collections and provisions of this ordinance by shutting off water service 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 Department shall not seek to attach 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 Department 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 Department.

Section 8.04. Sanctions Authorized: The following sanctions may be imposed by the Utility Department for failure of the customer to comply with any provisions of this ordinance or with any duly adopted regulation of the Village:

1. Termination of service(s);
2. Assessment of penalties based on a penalty schedule adopted by regulation of the Utility Department;
3. Assessment of late charges based on a schedule adopted by regulation of the Utility Department;
4. Assessment of damages resulting from the customer's non-compliance;
5. Forfeiture of all or part of a deposit and any accumulated interest;
6. Filing of a lien against the customer's property after the account is declared delinquent;
7. Enforcing a lien by seeking judgment, and satisfaction from the customer's property from a court of competent jurisdiction;
8. Filing suit for damages in a court of competent jurisdiction; and
9. Referring violations that may involve criminal conduct to the police or prosecutor.

Section 8.05. Sanctions Guidelines: The Utility Department shall use the following guidelines when considering the appropriate sanctions to be imposed in any given 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 Village, 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; and
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 Village Council has the power to amend this ordinance at any time. The Village Council shall act upon proposed amendments to this ordinance, submitted for action by the Utility Department, by approval or disapproval of such proposed amendments.

Section 9.03. Suspension of Ordinance: No employee, officer, contractor or agent of the Village is authorized to suspend or alter any of the provisions of this ordinance without the formal approval of the Village Council.