

UTILITY ORDINANCE
Ordinance # 01-500-05

Section 1. Purpose; Findings

- 1.01. *Purpose; Findings.* A Utility Department shall be organized and operated for the following purposes:
- a. To provide for a sanitary Community Water and Community Sewerage systems.
 - b. To assume control of and responsibility for the operation, repair and maintenance of the facilities and equipment in order to keep the facilities in good operating condition, in accordance with accepted standards and practices.
 - c. To establish, service charges sufficient to sustain the proper operation, maintenance and repair of the Community Water and Sewerage Systems, and to provide for depreciation, and contingencies; and to collect such service charges from customers served by the Community Water and Sewerage systems.

Section 2. Adoption; Amendment; Repeal; Severability

- 2.01. *Adoption.* This Ordinance is adopted by resolution # 01-1107-08 and amended by adoption of # 02-0213-04.
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Conflict of Ordinances or Regulations; Effect of Partial Invalidity.* In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance, code or resolution, existing on the effective date of this ordinance, the provision which, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail; in any case, a ordinance, which establishes a lower standard for the promotion and protection of the health and safety of the people than the provisions of this ordinance, shall be superseded by this ordinance, and such other ordinances, codes, resolutions are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

If any Section, section, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and, to this end, the provisions of this ordinance are hereby declared to be severable.

Section 3. Definitions

- 3.01. *General Definitions.* As used in this Ordinance, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings.
- 3.02. "Commercial" means any building or facility which is not residential.
- 3.03. "Community Sewerage System" means the sewerage system owned and operated by the Tribe for the collection and disposal of liquid and water-carried domestic and industrial wastes.
- 3.04. "Community Water System" means the water supply system owned by the Tribe.
- 3.05. "Council" means the governing body of the Little River Band Tribal Council.
- 3.06. "Customer" means a person responsible for the payment for a connection to either, or both, the Community Water System or the Community Sewerage System.
- 3.07. "Domestic Well" means a well which serves or is intended to serve as a source of water supply for domestic use or drinking water.
- 3.08. "Individual Sewage Disposal System" means a sewage disposal system other than the Community Sewerage System for the collection and disposal of human excreta, or liquid or water-carried wastes, or both from one or more premises and includes privies, septic tanks, soil-absorption systems, chemical type toilets and similar facilities, together with all necessary connecting pipes, fittings, control valves and appurtenances.

- 3.09. "Occupant" is the person of record who at that time is the head of the household occupying the home whether being rented, leased or authorized by the owner.
- 3.10. "Owner" means the holder of the premises to which water or sewer service is to be provided.
- 3.11. "Person" means an individual, firm, partnership, association, organization, corporation, or other legal entity.
- 3.12. "Plumbing Fixtures" means the receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid borne wastes, all necessary connecting pipes, fittings, control valves and appurtenances in or adjacent to the building.
- 3.13. "Tribe" means the Little River Band of Ottawa Indians.
- 3.14. "Utility Department" is the department that has been set up and is authorized to operate and maintain the Community Water and Sewerage facilities and to provide utility services as directed by the Tribe.

Section 4. Organization

- 4.01. *Creation of Utility Department.* There is hereby created a Utility Department which shall be managed by the Water and Wastewater Director. The Water and Wastewater Director reports as directed by the Tribal Ogema.
- 4.02. *Delegation of Authority.* The Water and Wastewater Director shall have the authority to exercise any and all powers delegated to the Utility by this ordinance.
- 4.03. *Sovereign Immunity.* The Utility is an agency of the Tribe, and thereby retains all rights of sovereign immunity of the Tribe. By providing services and entering into service agreements, the Utility shall not have the authority to waive the sovereign immunity of the Tribe or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Tribe.

Section 5. Powers

- 5.01. *General.* The Utility shall be given the powers set forth in this Section to allow it to carry out its duties and functions.
- 5.02. *Contracting; Agreements.* The authority to enter into agreements, contracts, and understandings with any governmental agency, federal, state, or local or with any person, partnership, or corporation, shall be subject to the laws and regulations of the Tribe regarding such approval and authority.
- 5.03. *Accounting.* The Tribe, through its Accounting Department, shall, in accordance with Generally Accepted Accounting Principals, develop accounting processes that allow the Utility to:
- a. identify the income, disbursements and expenses related to the operation of the systems; and
 - b. issue bills and receive payment for sewer and water services, including any fees.
- 5.04. *Levy and Collect Fees.* To levy and collect reasonable fees for services, including but not limited to monthly service charges, connection fees, penalties, construction permits, and other assessments deemed necessary by the Water and Wastewater Director and approved by the Tribal Council.
- 5.05. *Employ Personnel.* The Water and Wastewater Director, in accordance with the employment ordinances, regulations and policies of the Tribe, shall employ personnel to operate the Community Water and Sewerage Systems, to establish the duties and compensation of employees, and to pay this compensation as an operating expense of the Community Water and Sewerage Systems.
- 5.06. *Notice of Fees.* To prepare public notice of charge for water and sewer service to set the date for such charges to begin, and to send this notice to each customer of the Community Water and Sewerage Systems.
- 5.07. *Establishing Fees.* To establish a connection fee for water and wastewater service connections to all customers using water according to the size of water service and the purpose for which use is intended.
- 5.08. *Deposits.* To establish a water service deposit according to the size and intended use of the water service in advance of usage. This deposit will be refunded to the customer upon termination of service, provided all payments for services are current.

Section 6. Plan of Operation for the Little River Tribal Utility Department

6.01. *General.* This Section shall serve as the operating guideline for the Utility and may be excerpted and referred to as the "Plan of Operation."

6.02. *General Policies.*

a. *Purpose.* The purpose of the Utility will be to manage, operate, and maintain the Community Water and Sewerage Systems.

b. *Place of Business.* The Utility will maintain an office in Manistee, Michigan. Its address will be:

6.03. *Services Offered.*

a. *Water Service.* The Utility is responsible to provide safe, adequate water for a fee to those connected to the mainlines of the Community Water System. Responsibility for maintenance will include water sources, storage tank, 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.

b. *Sewerage Service.* The Utility is responsible to provide sanitary disposal of domestic waste for a fee to those connected to the mainlines of Community Sewerage System. Responsibility for maintenance will include treatment facilities, pumping stations, mainlines and manholes, and service lines to the property lines only. The service line from the property line to the house or building and interior house plumbing are the responsibility of the customer.

c. *Maintenance; Repair Service.* To ensure the provision of adequate water and sewerage service to its customers, the Utility will retain qualified personnel on duty or on call at all times. The Utility will respond quickly to breakdowns and other emergencies.

d. *Septic Tank Service.* The Utility may elect to provide for pumping of individual septic tanks for a fee. Responsibility of the Utility will cover only such elective pumping. The Utility shall not guarantee the operation of septic tank systems whether properly or improperly designed, maintained or constructed.

e. *Other Services.* The Utility may agree to perform under contract with the Tribe or persons in regards to construction or operating and maintenance services.

f. *Future Services.* The Utility is authorized to identify business plans that may provide solid waste, electrical, gas, telephone, or other utility services. Such business plans shall be approved by the Tribal Ogema and the Tribal Council prior to implementation, and shall include any necessary proposed amendments to this ordinance and existing regulations.

6.04. *Services Covered.*

a. *Water (Community Systems).* All tribal housing projects and commercial establishments.

b. *Sewerage (Community Systems).* All tribal housing projects and commercial establishments.

c. *Septic Tanks.* Services for individual septic tank systems may be available at the Utility's discretion in communities served by the Community Water System. Maintenance of individual systems is the responsibility of the home owners.

6.05. *Maintenance Schedule.* The Utility will develop and follow a regular schedule of maintenance services for each Community Water and Sewerage System. These services will include, but not be limited to, the following:

a. *Community Water Systems*

1. Inspect and operate all valves and hydrants.
2. Inspect and repair water mains for leaks or damage.
3. Flush water lines.
4. Inspect storage tank and level indicators.
5. Adjust and service controls.
6. Maintain all components as necessary.

b. *Community Sewerage Systems*

1. Flush sewer mains.
2. Remove debris from manholes.
3. Inspect and service lift station and mechanical aerators.
4. Operate and maintain wastewater treatment plant.
6. Rate Schedule:

6.06. *Fees.* The annual budget shall be used to determine the fee schedule to be assessed to the users of tribal public utilities. The fee schedule shall be approved by Tribal Council prior to application.

6.07. *Billing and Collection.*

a. The Utility will maintain a complete and up-to-date record of all customers served by those systems operated by the Utility. Additions and deletions will be made as soon as the Utility learns of changes.

b. The Tribal Accounting Department shall send out water and wastewater bills for services on the 1st day of each month. Payment will be due on the 20th day of the month. Non-payment by the last day of the following month may be cause for the Utility to shut off the customer's water service.

c. Customers requesting new services or re-connection shall make arrangements with the Utility for payment prior to receiving the services.

6.08. *Enforcement.* The Utility is hereby authorized to collect fees for services and to shut off services for non-payment. The Utility shall enforce its regulations and fee collections by shutting off water service of any and all violators and delinquent bill payers.

6.09. *Reporting.* The Utility will provide reports to the Tribal Ogema and as requested by the Tribal Council.

6.10. *Customer Complaints.* Customer complaints shall be in writing and delivered to the Utility on a form provided by the Utility with each bill. The Water and Wastewater Director will respond in writing within 14 working days. An appeal of the decision of the Water and Waster Water Director may be made within 30 working days to the Tribal Court. Tribal Court review shall be limited to appellate review.

Section 7. Utilization of Community Water and Sewerage Systems

7.01. *Prohibited Acts.*

a. *Use of Water Source Other Than Community Water System.* It shall be unlawful for any person to construct, maintain or utilize a source of water supply other than the Community Water System for drinking and sanitation purposes upon any premises located within two hundred (200) feet of lines of the Community Water System. Individually owned and maintained domestic wells for irrigation purposes shall be permitted only upon compliance with requirements of the Indian Health Service, and the ordinances and regulations of the Tribe.

b. *Disposal of Sewage and Liquid Wastes.* It shall be unlawful for any person to dispose of sewage, liquid wastes, or human excretion upon any premises located within two hundred (200) feet from any line of the Community Sewerage System or to provide for the disposal of such wastes from such premises other than through the utilization of the Community Sewerage System.

c. *Occupancy of Certain Buildings.* It shall be unlawful for any person to occupy or knowingly permit the occupancy by one or more persons, as a place of permanent or temporary residence, of any building located within two hundred (200) feet of lines of the Community Water and Sewerage Systems or to conduct any business in any such buildings unless said building is connected to the Community Water System and the Community Sewerage System, provided, that in the case of temporary buildings to be occupied for periods of not more than 30 days in any one year upon application by the owner of such buildings and a showing satisfactory to the Utility that the source of water supply and the provision for sewage and waste disposal from such building is safe and adequate to protect the public health.

d. *Commercial Agricultural Uses.* It shall be unlawful for any person to utilize the water from the system for any commercial agricultural uses. Individual gardens shall be considered domestic uses.

e. *Unauthorized Connections.*

1. It shall be unlawful for any person to connect any individual water service line to the Community Water System, or to repair, modify, or disconnect any such connection except as provided herein.
2. It shall be unlawful for any person to connect any individual sewer service line into the Community Sewerage System or to repair, modify, or disconnect any such connection except as provided herein.

f. *Cross-Connections.*

1. *Prohibition.* This ordinance prohibits cross connections with the public water supply, i.e., a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the Community Water System. A cross-connection is defined as any physical connection between the Community Water System and another system, either water or waste. Any individual source must be completely disconnected from the household plumbing prior to connection to the Community Water System. Disconnection done solely by a valve shall not be allowed.
2. *Responsibility to Inspect.* It shall be the duty of the Utility to cause inspections to be made of all properties served by the Community Water System where cross connections with the Community Water System are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Utility. The Utility shall have the right to enter at any reasonable time, any property served by a connection to the Community Water System for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, or occupants of any property so served shall furnish to the Utility any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
3. *Disconnection.* The Utility shall discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the Community Water System. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

g. *Unauthorized Disposal.* The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines 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 household waste plumbing is prohibited.

h. *Toxic Waste Disposal.* No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into the Community Sewerage System. Toxic and hazardous waste includes but are not limited to: oil, pesticides, gasoline, organic solvents, paint, poisons, and other manufactured chemical compounds.

7.02. *Order For Connection and Failure To Comply.* If any person fails to comply for more than ten (10) days after notice in writing from the Utility to make a connection or otherwise comply with this ordinance and any regulations issued pursuant thereto, the Utility may cause connection to be made or compliance to be effect, and the expense thereof shall be assessed to the owner. Nothing in this section shall exempt such owner from being proceeded against for creating a public nuisance or from any of the penalties provided in this ordinance.

a. *Request for Installment Payments.* The owner may file a written request with the Utility to make payments in amounts not to exceed five equal installments. Such installment payment shall be collected with interest at the rate of 10% per annum from the time the work was completed. Any

request for installment payments must be made within 30 days after completion of the work.

b. *Failure to Make Payments.* If the owner refuses to pay or does not pay for the work as agreed, the Utility may obtain a judgment enforceable by the Tribal Court.

7.03. *Connections to Community Water and Sewerage Systems.*

a. *Making of Connections.* All individual water and sewer service connections and repairs, modifications, or disconnections shall be made only by a licensed plumber or contractor, upon approval of an application and receipt of a permit and shall be done at the expense of the applicant or user. Provided that, there shall be an exception from assessment of fees for applications submitted by the Little River Band Housing Commission, and other low income housing agencies with submission or appropriate certification of agency status. Such exceptions shall be clearly identified in regulations promulgated by the Utility.

b. *Application for Water Service Connection.*

1. Each application for water service connection, repair, modification or disconnection shall be made in writing to the Utility and shall be signed by the owner of the premises and shall include the following:

- A. Legal name and address of the applicant.
- B. Description of the property and building for which the water service is requested.
- C. The name and address of the person who will install the service lines from the building to be served to the Community Water System.
- D. A description of the fixtures to be used in the structure or building.
- E. An agreement to be responsible for and to pay promptly all charges for the service in accordance with the applicable schedule of charges for the service.
- F. Such additional information as the Utility may require the customer to demonstrate that the proposed connection complies with this ordinance and any applicable regulations.

2. All permit fees shall be paid in full to the Utility prior to issuance of any permit. Provided that, when the aggregate amount of connection fees exceed \$5000, the utility, at the request of the applicant, may break the fees into reasonable installment payments.

c. *Application for Sewer Service Connection.*

1. Each application for sewer service connection, repair, or modification shall be made in writing to the Utility, shall be signed by the owner of the premises and shall include the following:

- A. Legal name and address of the applicant.
- B. Description of the property and building to be served.
- C. A plan of the proposed location of all fixtures to be served and of the service lines to be installed including a description of the type and size of pipe showing the elevation of all fixtures and the service lines.
- D. The name and address of the person who will install the service lines from the building to be served to the community sewerage system.
- E. An agreement to be responsible for and to pay promptly all charges for the service in accordance with the applicable schedule of charges for the service.
- F. Such additional information as the Utility may require to demonstrate that the proposed connection complies with this ordinance and any regulations.

2. All application/permit fees shall be paid in full to the Utility prior to issuance of any application permit.

d. *Approval of Application.* If the Utility is satisfied that the application and the proposed connection complies with this ordinance and applicable regulations hereunder related to the utilization of the Community Water and Sewerage System, it shall approve the application and make

or allow the connection applied for, provided that, the Utility may impose such conditions on its approval as it considers necessary to assure the safe and proper utilization and operation of the community water and sewerage systems.

e. *Hearing on Denial of Application.* Any person whose application for a connection has been denied or approved with conditions may within 10 days of official notification of the Utility's action, file a written request for a hearing before the Tribal Court. Such hearing shall be held within 30 days after the filing of the request and upon reasonable notification of the applicant and shall be limited to appellate review of the decision of the Utility.

f. *Installation of Service Lines.*

1. All service lines from the building to be served to the point of connection to the Community Water or Sewerage System shall be installed by the customer at his/her own expense, including the connection to the main.

2. The customer shall be responsible for the cost of maintenance and repair of his/her water and sewer service lines.

g. *Meters.* All structures that are connected to the Community Water System are required to install a water meter. All meters for measurement of utility services provided shall be installed in accordance with the requirements of the Utility in such locations as determined by the Utility. All water meters shall be the property of the Utility and shall be maintained by it. All meters shall remain accessible to the Utility and no person shall obstruct or tamper with any meter. Such obstruction or tampering shall be a violation of this ordinance and subject the violator to actual damages and civil penalties under this ordinance. The assignee of the property on which the meter is located shall be responsible for all damage to or tampering with the turn off/on water valve attached to such meter.

7.04. *Interceptors.*

a. Grease, oil, sand interceptors and conventional grease traps shall be provided when, in the opinion of the Utility, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Utility and shall be located as to be readily and easily accessible for cleaning and inspection.

b. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

7.05. *Interceptor Maintenance.* Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times and shall be accessible for inspection by the Utility at all reasonable times.

Section 8. Inspections

8.01. *Authorized Inspections.* The Utility is hereby authorized to make such inspections at reasonable times during daylight hours as are necessary to determine satisfactory compliance with this ordinance and the regulations promulgated hereunder.

8.02. *Duty to Permit Entry.* The owner and occupant of a property shall provide such agents of the Utility access to the property for the purpose of making such inspections.

Section 9. Operation and Maintenance

9.01. *Administration.*

a. Responsibility for operation and maintenance of the Community Water and Sewerage Systems shall be vested solely in the Utility, including the responsibility of making the necessary inspections.

b. Responsibility for enforcement of this ordinance shall be vested in the Utility. Responsibility for legal action to enjoin violations, to enjoin public nuisances, to collect penalties, and to prosecute violators shall be vested in the Utility, which shall be obligated to take any appropriate legal action based upon a complaint filed by a resident of the community or customer of the Utility.

c. The Utility shall cause to be collected all charges and fees in accordance with the schedule of charges and fees established. Such schedule of fees and charges may be amended or altered by the Utility in the manner provided, but such schedule and the amendments thereto shall have no force nor effect until duly posted as provided. Such schedules shall be approved by the Tribal Council.

d. Regulations.

1. Regulations of the Utility shall be adopted or amended only after a public hearing. Notice of the proposed action shall be posted in the Little River Band Community Center, Little River Band Health Center, Little River Band Administration Building and the Little River Band Downtown Offices; contain the entire text of the proposed rules or regulations or shall state generally the substance thereof; advise where the text is available; the time and place of the hearing; and shall be posted for public inspection at the office of the Utility for a period of not less than 10 days prior to the date of the hearing.

2. A current file of all regulations adopted by the Utility under this ordinance shall be available for public inspection during regular business hours at the office of the Utility.

3. The Utility is authorized to adopt and amend from time to time, regulations to carry out the provisions of this ordinance; but no person shall be bound for any such regulation unless it shall have been posted for public inspection for 10 consecutive days before its adoption.

All regulations shall be effective on after receipt by the Tribal Council Recorder.

9.02. *Operation and Maintenance of Community Water and Sewerage Systems.*

a. *Standards for Installation.* The Utility may promulgate, alter and amend regulations establishing standards for the installation of domestic fixtures to be served by connections to the Community Water and Sewerage Systems, and for the installation of water and sewer service lines, for the purpose of assuring the safe and efficient utilization of the community systems. All service lines shall be installed in accordance with such applicable standards.

b. *Standards of Operation and Maintenance.* The Utility shall operate and maintain the Community Water and Sewerage Systems in accordance with the provisions of this ordinance, as amended, and in compliance with the standards and requirements for operation and maintenance from time to time promulgated, ordered or defined by the federal government or agencies thereof.

c. *General Rules With Respect to Large Users of Water.*

1. Before proceeding with the purchase of any equipment which will necessitate the use of large quantities of water within short periods of time, the Utility shall be consulted for advice, as well as the Planning Department of the Tribe, as to the best method of installation and for information concerning the conditions under which the water will be supplied to the premises of the customer.

2. In general, the Utility reserves the right to limit the size of service connections or opening through which its service is furnished for filling storage tanks, hydraulic equipment, private fire service, or other classes of service capable of drawing relatively large quantities of water and thereby causing undue fluctuations of pressure in portions of the system.

d. *Termination of Service; Abandonment.* A customer planning to vacate the grounds, building or residence served by the Utility shall notify the Utility 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 Utility, or up until service is terminated, whichever comes first.

e. *Vacation of Premises.* When premises are vacated, the customer shall notify the Utility, in

writing, in advance of the intended vacation, so that the Utility may, if so desired, shut off the supply at the curb stop. The consumer shall be liable to the Utility for any damage to the system or utility resulting from failure to notify of such vacancy.

f. *Occasional Service.* Water taken from a tap and used for construction work, must be covered by a written permit which can be obtained only from the Utility. In no case shall any contractor or construction worker draw water from the Community Water System without obtaining a permit. No customer shall allow any contractor, mason, laborer or other person to take water from the customers premises without presentation of a permit from the Utility. A customer failing to comply with this rule shall have his/her service shut off, and upon conviction thereof shall be punished as provided in Section 10.

g. *Waste of Water Prohibited.* Excessive use of or waste of water whether caused by carelessness or defective or leaking plumbing is strictly prohibited and is cause for termination of service. The Utility shall reserve the right to determine excessive use.

h. *Limitations of Sprinkling.* In the event there shall be a shortage of supply of water for any reason, and particularly in the summer due to heavy sprinkling, the Utility may declare an emergency to exist in which event the water users shall be restricted in the use of water for sprinkling, as determined by the Utility. The emergency shall be deemed to exist until the Utility shall proclaim by another notice that the emergency status has been terminated.

Section 10. Penalties, Claims for Damages

10.01. *Penalties.* Any person who violates, refuses to comply with, or resists the enforcement of, any of the provisions of this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$500.00 or any sentence provided by Tribal Court. Each day a person is in violation shall constitute a separate offense. Upon failure to pay a fine legally assessed; a violator may be required to serve out his fine in the County Jail at the established county rate for such incarceration. The Utility 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.

10.02. *Other Proceedings.* Nothing in this Section shall exempt such violator from being proceeded against by the Utility for creating a public nuisance nor from having water or sewerage services terminated by the Utility.

10.04. *Damages, No Claims For.* No persons using water or sewer services provided by the Utility shall enter a claim against the Utility, the Tribe or the Officer thereof for damages to any fixture or appurtenance by reason of back-up of sewage or sewer gas or interrupted water supply or variation in pressure, or for damages of any nature caused by turning off or on either partially or entirely, of the water supply for any premises, either for repairs or alterations of any water main, or for the discontinuance of the service to his or their premises for violation of any rule or regulation of the Utility. No claims will be allowed against the Utility on account of interruption of supply caused by breaking of pipes or by stoppage for repairs for fire or other emergencies. In case of a probable stoppage of water supply when time of interruption can be forecast, every reasonable attempt will be made by the Utility to inform the customer of the action.