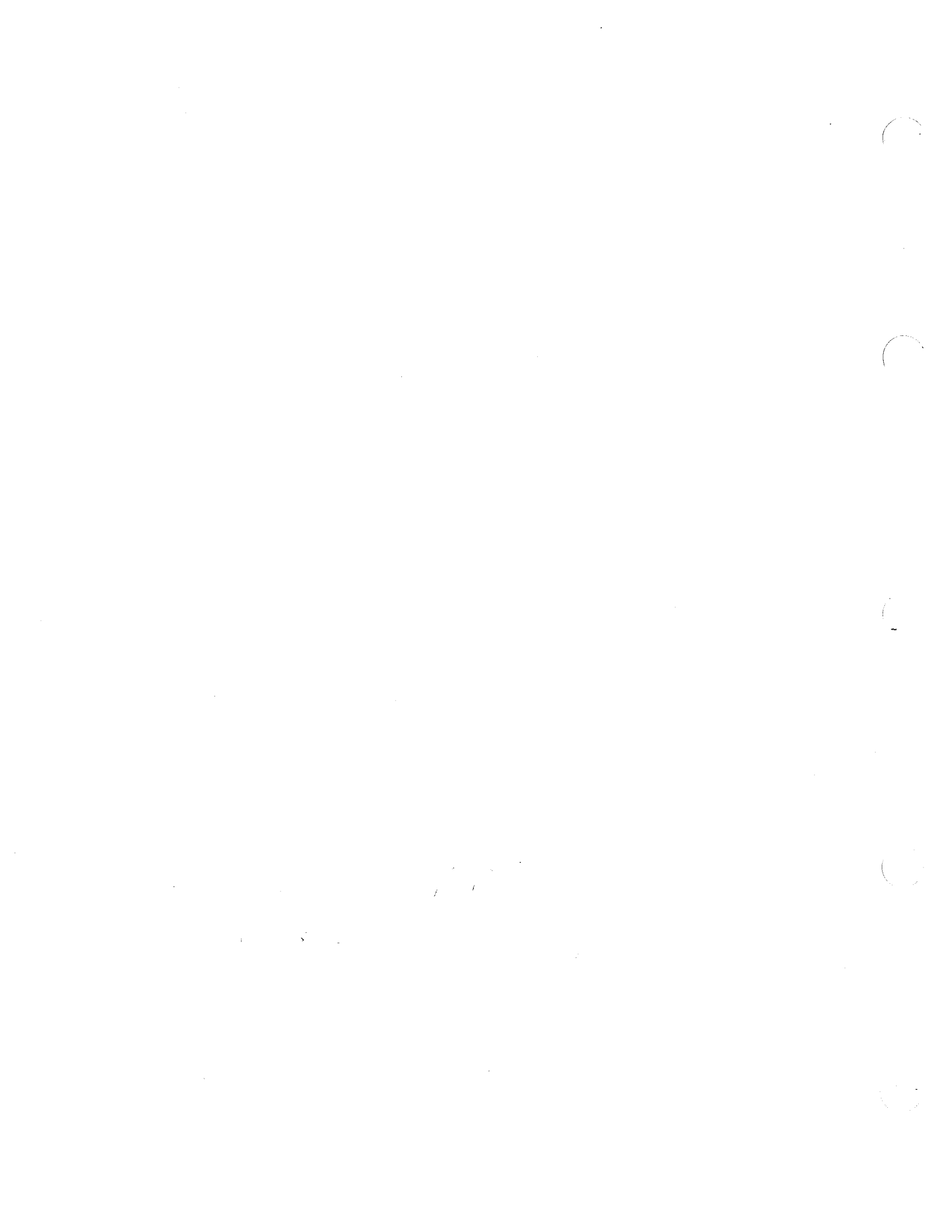


TITLE 7
WATER AND SEWER

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CHAPTER 1

WATER RATES AND REGULATIONS

SECTION:

- 7-1-1: Application Of Water Rules And Regulations
- 7-1-2: Powers Of Town Council
- 7-1-3: Water Board
- 7-1-4: Rules And Regulations
- 7-1-5: Meters
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7-1-1: **APPLICATION OF WATER RULES AND REGULATIONS:**
The rules, regulations and rates hereinafter named shall be considered a part of the contract with every person, firm or corporation supplied with water through the town water system; and every person, firm or corporation, by taking water, shall be considered as expressing his or its consent to be bound thereby. (Ord. 91-A, 12-7-2005)

7-1-2: **POWERS OF TOWN COUNCIL:** The town council shall assume the duties and responsibilities of establishing rules and regulations for the operation of the municipal water and sewer system and shall set the rates. They shall have the authority to appoint the water and sewer superintendent and designate the town clerk-treasurer as the collector of revenues. All expenditures and annual reports shall be approved by the town council. (Ord. 91-A, 12-7-2005)

7-1-3: **WATER BOARD:** The regular members of the Bearcreek town council will serve as the water board, along with the mayor and the appointed clerk. (Ord. 91-A, 12-7-2005)

7-1-4: **RULES AND REGULATIONS:** The following rules and regulations for the government of water takers, licensed plumbers and others are hereby adopted and established:

A. Application For Service:

1. Required: Every person desiring a supply of water must make an application to the clerk. The application must state truly and fully all the users to which the water is to be applied; no different or additional use will be allowed except by permission obtained from the council by a majority vote. Not more than one house or consumer shall be supplied by one tap, except by special permission.

2. Owner To Make Application: No application for the use of water shall be accepted except from the owner of the property to be served thereby, or from his duly authorized agent or representative; and application from any person not such owner, shall be void and of no effect. Hereafter the owners of all property served by the town water and sewer system or in whose buildings water and sewer connections have been made, shall be charged with sewer rents thereof, unless such owners or any of them give notice to the clerk or superintendent that they do not desire said services. In the event that such notice is given, it shall be made the duty of the superintendent to at once cut off such supply from the property.

B. Rates:

1. Payable Monthly: All rates, as set forth in the table of fees shall be paid monthly. All bills must be paid to the town clerk-treasurer, promptly when due.

2. Notice Of Delinquency: A delinquent user shall be sent a written past due notice after sixty (60) days to pay the entire delinquent bill within ten (10) days of the notice. (Ord. 91-A, 12-7-2005)

3. Service Charge; Shutoff Notice: A five dollar (\$5.00) service charge will be added to all delinquent accounts that are sixty (60) days or more for each month delinquent. If the delinquent bill is not paid within the ten (10) day period, a written notice shall be sent by mail informing the delinquent user that the water shall be shut off in ten (10) days of receipt of that notice.

4. Reinstating Service: Before said water shall be turned on, it shall be obligatory upon said water user to pay all delinquent water costs including a one hundred dollar (\$100.00) deposit that will be kept by

the town until the resident moves or has established a current paying record (up to the discretion of the council) in addition to the cost of shutting off and turning on said water, which shall be one hundred dollars (\$100.00), plus any additional costs incurred by the town in shutting said water off; plus one month in advance for services. (Ord. 91-A, 12-7-2005; amd. 2010 Code)

5. Nonpayment Of Charges: If not paid, the charges will be charged against the owner of the real estate, and shall be a lien against said real estate and collected the same as town taxes are collected.

- C. Turning On: Water will not be turned on to any house or service pipe except on the order of the clerk or superintendent, and not until the applicant has paid the amount due for the current term. All other persons are strictly prohibited from turning the water into any premises or service pipe except upon the order or permission of the superintendent. This rule shall not be construed to prevent any plumber admitting water to test the pipes.
- D. Written Permission Required: No consumer shall supply water to other families, nor allow them to take it off their premises; nor, after water is introduced into any building or upon any premises, shall any person make or employ any plumber or other person to make any tap or connection with the pipes upon the premises for alteration, extension or attachment, without written permission of the town council.
- E. Stopcocks:
1. Specifications: All stopcocks used for drawing water for domestic use shall be either compression, self-closing, or what is known as the "fuller work".
 2. Prohibited: Globe valves or ground key work will not be allowed.
 3. Faucets: At each faucet for drawing water must be placed an air chamber of the size of the pipe in which the faucet is placed and at least twelve inches (12") in length.
 4. Maintenance; Waste: All persons taking water shall keep their own service pipes, stopcocks and apparatus in good repair and protected from frost at their own expense and risk, and shall prevent all unnecessary waste of water.

5. Damage From Breakage, Freezing, Or Shutting Off Supply: It is expressly stipulated by the town that no claim shall be made against it by reason of the breaking or freezing of any pipe or service cock; or if, from any cause, the supply of water shall fail, or from damage arising from shutting off water to repair mains, make connections, or from any purpose that may be deemed necessary; and the right is hereby reserved to cut off the supply of water at any time, regardless of any permit or regulation to the contrary.

6. Expenses: All expenses relating to the introduction of water into buildings or private premises shall be paid by the applicant therefor, except that no charges will be made for the services of the superintendent, who shall direct where and in what manner the mains shall be tapped and excavations made in the street for laying pipes.

- F. Service Pipes Supplying Two Or More Premises; Liability For Payment: Service pipes intended to supply two (2) or more distinct premises, families or tenements, and where only one stop is used, must be controlled and the water and sewer must be paid by one person, as separate water and sewer bills will not be made. The property upon which water and sewer issued shall at all times be held liable to the town for water and sewer used thereon, and the user fee shall thus be a lien upon said land or property for all water and sewer thereon or therefrom.
- G. Permitted Entry; Response To Questions: Every person taking water shall permit the superintendent, or any other person the town may designate, at all reasonable times to enter the premises or buildings to examine the pipes and fixtures and the manner in which the water is used; and all persons must, at all times, frankly and without concealment, answer all questions put to them by said party relative to the consumption of water.
- H. Service Pipes:
1. Specifications: All service pipes must be at least one-eighth inch ($\frac{1}{8}$ ") larger in diameter than the tap through which they are supplied; when pipe is used for outside or inside plumbing, it must be that designated extra strong, and all joints must be wiped. All pipes must sustain a pressure of not less than two hundred (200) pounds to the square inch (200 psi), and at the point of connection with the street main, between the corporation cock and the coupling in the service pipe, there must be at least eighteen inches (18") of pipe to relieve

the rigidity of the iron pipe. A brass coupling must be used for the connection.

2. Stop And Waste Cock:

a. Required: Every service pipe must be provided with stop and waste cock for each consumer, easily accessible and so situated that water can easily be shut off and drained from the pipes; all stop and waste cocks shall be of the pattern known as the "round water way".

b. Placement: Unless otherwise permitted, stopcocks shall be placed in the surface pipe on the edge of the sidewalk and reached by a pipe not less than two inches (2") in diameter, extending from the surface of the earth to the service pipe, said pipe to be supplied with a cover, visible and kept in repair, and with a cap thereon kept in place at the expense of the property owner.

I. Tapping Into Mains:

1. Definition: The term "tap" shall mean the point at which any cold water obtained from or through the municipal facilities is withdrawn from the system.

2. Special Permit Required: No person, except the tappers having special permit from the town or persons in their service and approved by them, will be permitted under any circumstances, to tap the distributing pipes, or insert stopcocks or ferrules therein, and the kind and size of the connection with the mains shall be that specified in such permit or in any other order.

3. Location: Water mains must always be tapped on the ten o'clock (10:00) or two o'clock (2:00) position and in no case at or within six inches (6") from the hub.

J. Excavations:

1. Planks, Paving Stones, And Earth Removed: In making excavations in the streets or highways for the laying of pipes or the making of repairs, the planks, paving stones and earth removed must be deposited in a manner that will secure the least inconvenience to the public and provide for the passage of water along the gutters.

2. Barricades And Warning Lights: No person shall leave any excavation made in any street or highway, open at any time, without

barricades, and during the night warning lights must be maintained at such excavations.

3. Refilling; Restoration: After surface pipes are laid, in refilling the opening, earth must be laid in layers and each layer rammed or puddled to prevent settlement; this work, together with the replacing of the sidewalks, ballast, and paving, must be done in such a manner as to make the streets in as good condition as before they were disturbed, and to the satisfaction of the superintendent and street superintendent.

K. Written Return Of Uses: Within forty eight (48) hours after completing any attachment or connection, the plumber or pipefitter shall make a full written return of all uses to which the water is designed or applied under any permit granted from the town, giving the number of the lot and block, the house number and the name of the street or avenue, and with a description of the apparatus used in every case, and any other particulars that may be called for. Water will not be turned on to any premises until complete returns are made by the plumber.

L. Interference With Hydrants Or Grates: No person shall open or interfere with any of the hydrants or grates of the town except the superintendent or persons authorized by him, and members of the fire department in case of fire or fire alarm.

M. Base Rate: The base rate is set by the town council due to installation of meters: (Ord. 91-A, 12-7-2005)

1. Residential:

\$41.99 for 5,000 gallons
1.50 for each additional 1,000 gallons

(Ord. 91-A, 12-7-2005; amd. 2010 Code)

The monthly base rate will be charged to each household, whether occupied monthly or not, unless the homeowner directs the water and sewer superintendent to shut the water off, for which a fee of one hundred dollars (\$100.00) will be assessed. A turn on fee of one hundred dollars (\$100.00) will be assessed and paid prior to having the water service reestablished.

2. Business: The business must be within the business district with a public restroom available. (Ord. 91-A, 12-7-2005)

\$41.99 for 10,000 gallons
3.00 for each additional 1,000 gallons

(Ord. 91-A, 12-7-2005; amd. 2010 Code)

3. Turn On Or Turn Off Fee: One hundred dollars (\$100.00) each.
(Ord. 91-A, 12-7-2005)

4. New Residential Hookups: New residential hookups shall be two thousand five hundred dollars (\$2,500.00) for water and two thousand five hundred dollars (\$2,500.00) for sewer per each hookup, payable prior to start up of any construction. All costs incurred to the introduction of water and sewer into private enterprises shall be paid by the applicant, except that no charges will be made for the service of the superintendent, who shall direct where and in what manner the mains shall be tapped and excavations made in the street for laying pipes. The utility will furnish the meter and installation will be conducted by a licensed plumber. (Ord. 91-A, 12-7-2005; amd. 2010 Code)

5. Two Year Deadline: There will be a two (2) year deadline from the time of purchasing new hookups to complete installation. The consumer will be charged the difference of the cost of a new hookup at the time of installation to the purchase price paid prior if the deadline is not met. Installation fees paid prior to September 2007 will be given a two (2) year deadline from September 2007. There will be no exceptions. (2010 Code)

6. Guesthouse: A guesthouse will be allowed to be combined on one meter with the home. If the homeowner rents or sells the guesthouse, it will need to have its own meter with a curb stop installed with the cost incurred by the owner.

- N. Responsibility Of Landlord: Landlords shall notify the town of any change in tenants. Landlords shall be responsible for the water and sewer charges assessed against property owned by them. When no tenant is in possession, landlords may request that the water and sewer service be terminated. If the clerk or superintendent are not duly notified, charges will continue to be assessed.
- O. Use Of Hoses: No hose shall be used in any case unless it shall have been properly applied for and allowed by the town council, and in no case shall it be used without a nozzle, unless especially authorized. Hose larger than three-fourths inch ($\frac{3}{4}$ ") will not be allowed.

- P. Drinking Fountain: No drinking fountain shall be erected for the public use which has openings by which it can be used as a source of domestic supply.
- Q. Sprinkling: Sprinkling times established by the council are between the hours of six o'clock (6:00) A.M. and nine o'clock (9:00) P.M. Absolutely no nighttime sprinkling will be allowed, nor should outside water be left unattended during sprinkling hours. No open hoses should be left running. The town council shall have, from time to time, the authority to set sprinkling regulations by majority vote, with respect to days or hours of sprinkling. All water users shall be notified of these changes. Users violating these rules shall be given notice by the clerk. Should violation be repeated or continued, the user may be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).
- R. Prevention Of Freezing: It is the responsibility of the homeowner to protect the line and meter from freezing. No deduction in bills will be made for the time any service pipes or meter may be frozen. The utility may estimate the meter reading and use the calculated water usage to render the bill for the customer involved.
- S. Breaks: If a break occurs in any service pipe between the corporation cock and the distribution pipe, such break shall be repaired by the owner of the property, at his expense, to whose premises such service pipe leads, and in the event of the failure of such owner to repair the break, the water shall be shut off from said premises.
- T. Water Hookups Outside Town Limits: Whereas the town council has determined that water consumption is a grave concern for the townspeople, the local government has resolved by resolution 95-13, passed June 1, 2005, that no new water hookups will be allowed outside of the town's limits. All existing hookups are grandfathered in. (Ord. 91-A, 12-7-2005)

7-1-5: **METERS:**

- A. Meters Required; Exception: Except for fire lines, all water service lines connected with the municipal water system shall be metered by the utility.
- B. Reading Meters; Estimates: The utility shall normally read all municipal water meters for accounts monthly. In months where the

municipal water meter cannot be read, the utility may estimate the meter reading and use the calculated water usage contribution to render the bill for the customer involved. The utility shall not estimate a meter reading for a customer more than four (4) consecutive months without first making every effort to read the meter in question.

C. Meters For Nonusers Of Municipal Water Supply System:

1. Required: Meters or other approved means for gauging or metering water used by commercial or residential accounts connected with the wastewater system but not connected with the municipal water supply system shall be installed at the expense of the owner of such property prior to initiating municipal wastewater service.

2. Specifications: Such meters shall be of a size, type, and make and set at such a place as designated by the water and sewer superintendent.

3. Maintenance; Testing: Property owners, at their expense, shall keep their meters in good repair and shall have such meters tested for accuracy prior to initial installation and at least every five (5) years thereafter or as often as may be directed by the water and sewer superintendent. Such meters shall meet or exceed the standards of the American waterworks association (AWWA) for such meter types.

4. Estimated Monthly Water Consumption: Until such time as it is deemed practical by the water and sewer superintendent to install meters for gauging or metering water used by domestic accounts connected with the municipal wastewater system but not connected with the municipal water supply system, the utility may, for billing purposes, use an estimated monthly water consumption equivalent to the average monthly water use of its domestic customers during the months of December, January, February and March.

D. Utility's Responsibility: It shall be the utility's responsibility to:

1. Furnish and install a municipal water meter, and any required remote reading equipment on every water service line connected with the municipal water supply system.

2. Inspect and test all municipal water meters prior to installation on water service lines to ensure that such meters meet or exceed the standards of AWWA for such type meters.

3. Periodically check all municipal water meters that are in service for tampering, bypassing, or any other acts of water theft.

E. Customer's Responsibility: It shall be the customer's responsibility to:

1. Provide a location for installation of the municipal water meter that is readily accessible and that is properly protected from damage due to freezing or other adverse conditions.

2. Furnish, install and maintain an approved outside meter box/vault, when required by the water and sewer superintendent, as well as any pipe, fittings, meter loops, valves, expansion tanks, backflow prevention devices and surge protection devices on commercial accounts, pressure reducing devices, telephone line/jacks and other appurtenances required to meet the standards of the utility for the type metering facility involved.

3. Protect the municipal water meter from tampering, bypassing, or any other acts of water theft.

F. Inside Metering Facilities: An inside municipal water metering facility shall be approved by the utility prior to its installation, shall meet the standards and specifications of the utility, and shall meet the following requirements:

1. The municipal water meter shall be located near a floor drain if at all possible.

2. A valve shall be installed just before and one just after the municipal water meter to allow removal and replacement of the meter without first draining the entire service line and building plumbing.

G. Outside Metering Facilities: An outside meter box/vault shall be engineered by a licensed professional engineer in the state of Montana, approved by the utility prior to construction, shall meet the standards and specifications of the utility, and shall meet the following general requirements:

1. The meter box/vault shall be located on private property at or near the point where the water service line enters the property to be served and outside any driveway or roadway.
 2. The meter box/vault shall be located near a driveway or turnout and shall be readily accessible to utility vehicles without causing damage to public or private property or endangering the public or utility personnel.
 3. The meter box/vault shall be waterproof and shall be large enough to safely and easily install, maintain, and replace the municipal water meter, backflow prevention device, if required, and other appurtenances.
 4. The municipal water meter and backflow prevention device shall be installed within the meter box/vault in a horizontal position, not over two feet (2') above the floor.
 5. A valve shall be located before and one after the municipal water meter to allow removal of the meter without first draining the water service line and the yard and building plumbing.
 6. The remote read encoder, when needed, shall be installed on a post or supported by other means at or near the customer's front property line.
- H. Use Of Inside/Outside Metering Facilities: As a condition of service, a customer shall normally provide inside metering facilities meeting all the requirements of subsection F of this section. The water and sewer superintendent may, however, require any customer to install an outside meter box/vault meeting the requirements of subsection G of this section, as a condition of providing/continuing water service to the property involved. Conversely, the water and sewer superintendent may also require a customer to replace defective outside metering facilities with inside metering facilities meeting the requirement of subsection F of this section as a condition of continuing water service to the property involved.
- I. Permanent And Temporary Meter Installations: When a municipal water meter is installed at the request of a customer, its installation is deemed to be permanent unless the customer discontinues service entirely. Service on a municipal water meter for a shorter period than six (6) months shall be considered temporary. The customer shall be required to reimburse the utility for the cost of installing and removing a temporary municipal water meter.

- J. **Special Meter Accuracy Tests:** When a customer makes a complaint that the municipal water charges for any particular billing period are excessive, the utility shall, upon request, have the municipal water meter for the customer involved reread and inspect the customer's plumbing for leaks. Should the customer then desire that the municipal water meter be tested, the customer shall make a deposit with the utility to cover the cost of making the test. The utility will then test the meter in question. Should the meter on test show a registration in excess of three percent (3%) in favor of the utility, the account deposited shall be refunded to the customer and the utility shall make an adjustment for the estimated excess consumption on the bill immediately preceding and/or the current bill. The excess registration on the reading for the previous and/or current month shall be credited to the customer's account. Where no such error is found in favor of the utility, the amount deposited will be retained by the utility to cover the expenses of performing the test.
- K. **Replacement Of Meters:** Whenever a customer requests the replacement of the municipal water meter, such request shall be treated as a request for a test of the meter. As such, it shall be handled by the utility in the manner set forth in subsection J of this section.
- L. **Standard Of Meter Accuracy:** The utility shall not place in service or allow to remain in service without adjustment any municipal water meter that has a known error in registration of more than plus or minus three percent ($\pm 3\%$).
- M. **Nonregistered Meter:** When the municipal water meter fails to register for any period, and the reason for the malfunction is beyond the reasonable control of the utility, the utility may estimate the charge for municipal water service during the period in question. The malfunctioning meter must be repaired/replaced by the utility within one month of the date that the meter was discovered by the utility to be malfunctioning.
- N. **Testing And Repairing Meters:** The utility may test and/or repair a municipal water meter at any time, and for this purpose the utility may temporarily shut off the water to a customer.
- O. **Damaged Meters And Equipment:** Whenever a municipal water meter, meter horn check valve, cable, remote read device, or any other equipment owned by the utility is damaged by the carelessness or negligence of the customer, the utility shall repair/replace the damaged equipment and charge the cost of doing so against the customer's account. Failure to pay this charge shall be just cause for

the utility to discontinue water to the property involved until the total amount is paid, plus payment of any applicable charges for discontinuance and/or reestablishment of service.

- P. Prohibited Taps/Connections: It is prohibited for any customer to make a tap or to maintain a connection with the customer's water service at a point located upstream of the municipal water meter. Such taps/connections shall be treated as a bypass around the meter and subject to the provisions of subsection R of this section. (Ord. 91-A, 12-7-2005)
- Q. Meter Tampering/Bypassing: It is prohibited for any person to bypass or tamper with the municipal water meter. It is also prohibited for any person to receive municipal water service knowing that the measurement of such services is being affected by bypassing or tampering. In case a meter seal is broken or the working parts of the meter have been tampered with or the meter damaged or bypassed, the utility will assess a fine of five hundred dollars (\$500.00). Second offense will be a five hundred dollar (\$500.00) fine and imprisonment up to six (6) months, and discontinued water service to the house. Third offense will be a five hundred dollar (\$500.00) fine and six (6) months' imprisonment, and discontinued water service to the house. The utility will, in addition to the above penalties, estimate the time period the tampering took place and will render an estimated bill for that time period to the customer involved. The utility will also bill the customer for the full cost of repairing such damage and will refuse to furnish water until the customer's account is paid in full plus payment of any applicable charges for discontinuance and/or reestablishment of service. (Ord. 91-A, 12-7-2005; amd. 2010 Code)
- R. Relocation Of Meters: A customer requesting relocation of the municipal water meter after its initial installation will bear all costs associated with relocating the meter.
- S. Maintenance Of Outside Meter Boxes/Vaults: A customer shall at his/her expense keep his/her outside meter box/vault and appurtenances in good repair, readily accessible, and in a safe and usable condition at all times. Failure to do so shall be deemed just cause to discontinue municipal water service to the customer involved.
- T. Fire Hydrant Meters: The following provisions and conditions shall govern the setting, use and removal of municipal fire hydrant meters for the purpose of obtaining water for public works construction:

1. Only fire hydrants owned by the utility shall be used for this purpose. Privately owned hydrants shall not be used for this purpose. The utility reserves the right in all cases to determine upon which particular fire hydrants a municipal fire hydrant meter shall be installed.
2. The applicant for a meter shall sign the application for such service, shall be responsible for the payment of all fees and charges for such service, shall submit a deposit for anticipated water use, and shall be responsible for the protection and care of the meter while it is in use. In addition, any damages to public or private property, including the municipal fire hydrant meter and the municipal water supply system, caused by the applicant's use of the municipal fire hydrant meter shall be immediately repaired by the applicant at the applicant's expense. Further, it shall be the applicant's responsibility to secure the operating valve on the municipal fire hydrant meter whenever the applicant is not using the meter so as to preclude unauthorized use of water through the meter.
3. Only utility personnel shall install and/or relocate a municipal fire hydrant meter. Further, such a meter shall not be installed on a fire hydrant in a manner which will interfere with the fire department's use.
4. The utility shall not relocate a fire hydrant meter for an applicant without the applicant first having obtained a new permit and having again paid to the utility the appropriate fire hydrant meter setting/removal fee and usage deposit. Such relocations shall be limited to a maximum of one per day for each applicant.
5. Municipal fire hydrant meters shall normally be set on the basis of permit dates, with the earliest date having first priority.
6. Applicants shall give the municipal water utility at least forty eight (48) hours' notice of their need to have a municipal fire hydrant meter installed.
7. A fire hydrant meter shall not be installed during months when the weather is subject to freezing. Further, since service from a municipal fire hydrant meter is considered temporary, such a meter shall not be installed at any one location for a period of greater than six (6) months nor less than one day.

8. Applicants for a municipal fire hydrant meter shall ensure that their filling operations do not cause a cross connection or excessive pressure surges. Failure to do so shall be deemed just cause to immediately remove the municipal fire hydrant meter from service. Such service shall not be restored until the applicant takes corrective action, takes out another municipal fire hydrant meter permit, and pays the appropriate permit fees to the utility.

9. Any person tampering with or bypassing a municipal fire hydrant meter shall be punished as provided in subsection Q of this section.

- U. Sprinkling Meters: Sprinkling meters are used to measure the amount of water delivered by the utility to a customer exclusively for lawn and garden irrigation. Said meters shall only be installed on water service lines serving property situated within the corporate town limits. Further, said meters shall either be installed on separate, independent water service lines or else be installed on branch water service lines which are connected to the customer's main water service lines at a point located upstream of the regular municipal water meters. If the sprinkling meter is not located inside a heated building it must be installed in an approved, engineered meter pit to protect it from freezing and/or tampering. All costs of the installation of the sprinkling meter will be paid by the property owner with the utility furnishing the meter and doing the installation. (Ord. 91-A, 12-7-2005)

7-1-6: WATER AND SEWER LINE EXTENSIONS:

- A. Application For Service Where Extension Required: Upon application for water and sewer service, where an extension of line(s) is required, the water and sewer superintendent will determine proper placement and size of line(s) to be extended in accordance with standard engineering principles. The town will require the applicant to be served therefrom to be responsible for payment of any costs incurred for line(s) extension including, but not limited to, engineering and construction. Whenever additional requests for service from this extension are received within thirty six (36) months from the date the extension is completed, the town will refund to previously connected customers, their successors or assignees or the current owners of the property, any allowable reimbursement of charges that have been properly documented to the town by the original applicant(s). These charges would have resulted had the new applicant(s) been part of the original extension. The original

charge will be shared pro rata among all users on the extension line(s). (Ord. 91-A, 12-7-2005; amd. 2010 Code)

- B. **Payment Of Costs Required Prior To Service:** No service will be provided to new applicant(s) until the cost share amount and the established hookup fees have been paid in full to the town.
- C. **Ownership; Easement And Right Of Way:** It is understood and agreed by the applicant(s) that all extended water and sewer lines shall be and remain solely the property of the town. The applicant(s) furthermore grants to the town easement and right of way upon the property if such is needed for construction, installation, operation and maintenance of the town lines at no additional charge and without altering the terms of this section or performance thereof.
- D. **Refunds:** At the end of the thirty six (36) month period as defined previously, no further refunds shall be made.
- E. **Permanent Addendum:** The resolution passed December 6, 1995, shall become a permanent addendum of the sewer and water ordinance of the town, to be effective immediately upon passage. (Ord. 91-A, 12-7-2005)

7-1-7: **INTERFERENCE WITH WATER SYSTEM:** It shall be unlawful for any person to molest or in any manner interfere with the water system of the town or meddle with any cutoff hydrant, stopcock, pipe, or attachment, belonging or pertaining to the town waterworks. Any person violating the above provisions, or any of the provisions of this chapter, or any person using water without a permit obtained as herein specified or any plumber violating any of the provisions relating to the rules of plumbing, and the duties of the plumbers, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to penalty as provided in section 1-4-1 of this code, plus costs of prosecution, and in the case of a plumber, his license shall be revoked. (Ord. 91-A, 12-7-2005; amd. 2010 Code)

7-1-8: **VIOLATION:** Whenever any of the rules and regulations are violated, or such others as the town hereafter adopt, the water shall be cut off from the building or place of such violation, and shall not be turned on or let on again except by order of the town clerk-treasurer or such other person as the town may designate, and on payment of the expenses of shutting off and turning on, and such other expenses as the town may determine, and a satisfactory understanding with such party that

no further cause of complaint shall arise; and in case of such violation, the superintendent or clerk shall have the right to declare any payment made for water by the person committing such violation to be forfeited, and the same shall thereupon be forfeited. (Ord. 91-A, 12-7-2005)

CHAPTER 2

REGULATION OF SEWER USE

SECTION:

- 7-2-1: Definitions
- 7-2-2: Use Of Public Sewers Required
- 7-2-3: Private Wastewater Disposal
- 7-2-4: Sanitary Sewers, Building Sewers And Connections
- 7-2-5: Use Of Public Sewers
- 7-2-6: Tampering With Facilities
- 7-2-7: Inspectors; Powers And Authority
- 7-2-8: Hearing Board
- 7-2-9: Penalties

7-2-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**BIOCHEMICAL
OXYGEN DEMAND
(BOD):**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C) expressed in milligrams per liter.

BUILDING DRAIN:

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER:

The extension from the building drain to the public sewer or other place of disposal, also called a house connection.

COMBINED SEWER:	A sewer intended to receive both wastewater and stormwater or surface water.
EASEMENT:	An acquired legal right for the specific use of land owned by others.
FLOATABLE OIL:	Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
GARBAGE:	The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
HEARING BOARD:	That board appointed according to provisions of section 7-2-8 of this chapter.
INDUSTRIAL WASTES:	The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
MAY:	Permissive (see definition of Shall).
NATURAL OUTLET:	Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
PERSON:	Any individual, firm, company, association, society, corporation, or group.
pH:	The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
PROPERLY SHREDDED GARBAGE:	The wastes from the preparation, cooking, and dispensing of food that have been shredded to

such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ($\frac{1}{2}$ " (1.27 centimeters) in any dimension.

- PUBLIC SEWER:** A common sewer controlled by a governmental agency or public utility.
- SANITARY SEWER:** A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm, and surface waters that are not admitted intentionally.
- SEWAGE:** The spent water of a community. The preferred term is "wastewater".
- SEWAGE WORKS:** All facilities for collecting, pumping, treating and disposing of sewage.
- SEWER:** A pipe or conduit that carries wastewater or drainage water.
- SHALL:** Mandatory (see definition of May).
- SLUDGE:** Any heavy, slimy deposit, sediment or mass in the sewer system.
- SLUG:** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration one foot (1') per second.
- STRUCTURE:** Anything constructed or erected, the use of which requires location or attachment to something having location on the ground including, but not limited to, trailers and house trailers, but not including fences and walls.
- STUB OR TEE:** The extension from the public sewer to the right of way line.

SUPERINTENDENT:	The water and sewer superintendent or his authorized deputy, agent, or representative.
SUSPENDED SOLIDS:	Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
TREATMENT PLANT:	Any arrangement of devices and structures used for treating the sewage.
WASTEWATER:	The spent water of a community. More commonly referred to as sewage.
WATERCOURSE:	A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 9A, 1-5-1988; amd. 2010 Code)

7-2-2: USE OF PUBLIC SEWERS REQUIRED:

- A. **Prohibited Deposits:** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.
- B. **Discharge Prohibited:** It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. **Construction Of Privy, Septic Tank, Cesspool:** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. **Connection Required:** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this

chapter, within one hundred eighty (180) days after date of official notice to do so; provided, that said public sewer is within five hundred feet (500') of the property line. (Ord. 9A, 1-5-1988)

7-2-3: PRIVATE WASTEWATER DISPOSAL:

- A. **Public Sanitary Or Combined Sewer Unavailable:** Where a public sanitary or combined sewer is not available under the provisions of subsection 7-2-2D of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. **Permit; Fee:**
1. **Required; Fee:** Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the superintendent.
 2. **Application Form:** The application for such permit shall be made on a form furnished by the town which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the superintendent. (Ord. 9A, 1-5-1988)
 3. **Permit And Inspection Fee:** A permit and inspection fee of two hundred fifty dollars (\$250.00) shall be paid to the town at the time the application is filed. (Ord. 9A, 1-5-1988; amd. 2010 Code)
- C. **Effective Date Of Permit; Inspection:** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of notice by the superintendent.
- D. **Specifications:** The type, capacity, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of public health of the state of Montana. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. **Public Sewer Becomes Available:** At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in subsection 7-2-2D of this chapter, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. **Operation And Maintenance:** The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of in a manner acceptable to the Carbon County sanitarian.
- G. **Additional Requirements:** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 9A, 1-5-1988)

7-2-4: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

- A. **Permit Required:** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
- B. **Classes Of Permit:**
 - 1. **Sewer Permit Classes:** There shall be two (2) classes of building sewer permits: a) for residential and commercial service, and b) for service to establishments producing industrial wastes.
 - 2. **Application Form:** In either case, the owner or his agent shall make application on a special form furnished by the town.
 - 3. **Additional Information:** The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. (Ord. 9A, 1-5-1988)
 - 4. **Permit And Inspection Fee:** A permit and inspection fee of two thousand five hundred dollars (\$2,500.00) for a residential or commercial building sewer permit and two thousand five hundred dollars (\$2,500.00) for an industrial building sewer permit shall be

paid to the town at the time the application is filed. (Ord. 9A, 1-5-1988; amd. 2010 Code)

- C. **Costs Of Installation And Connection; Indemnification:** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. **Separate Connection Required; Exception:** A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Every single dwelling constructed must have an individual sewer hookup and pay installation fees and the monthly sewer service fee.
- E. **Old Building Sewers:** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.
- F. **Specifications:** The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town and the state of Montana. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply.
- G. **Elevation:** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. **Connection To Surface Runoff And Groundwater Sources Prohibited:** No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or

groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent and the Montana state department of health for purposes of disposal of polluted surface drainage.

- I. **Connection Requirements:** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, and the state of Montana, or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- J. **Inspection And Testing:** The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspecting the connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.
- K. **Excavations:**
 1. **Barricades And Lights:** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
 2. **Restoration:** Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.
- L. **Floodplain Sewerage:**
 1. **Not Accepted:** The town will not accept any sewerage into the collection or treatment facilities from any residential, commercial or industrial structure constructed after October 1, 1986, if the structure is located within the 100-year floodplain.
 2. **Accepted:** The town will accept sewerage from any residential, commercial or industrial structure within the floodplain if the structure was in existence or under construction prior to October 1, 1986.
 3. **Variance:** A variance to this condition will be considered by the town and the Montana department of health and environmental

sciences in conjunction with other applicable local jurisdictions if the applicant submits site specific documentation (including detailed maps of specific plats requested for variances) that there is no practicable alternative to development within the 100-year floodplain. A minimum requirement for variance to be granted is a demonstration that the proposed structure will comply with the floodplain management standards of the national flood insurance program and that the proposed floodplain development will not alter the 100-year floodplain so as to increase the risk of flooding to upstream or downstream property. Under no circumstances will a variance be granted for development to be located in the "floodway" as defined by the national flood insurance program. (Ord. 9A, 1-5-1988)

7-2-5: USE OF PUBLIC SEWERS:

- A. **Unpolluted Drainage:** No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent and the Montana state department of health.
- B. **Stormwater:** Stormwater other than that exempted under subsection A of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to natural outlets approved by the superintendent and the Montana state department of health. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.
- C. **Prohibited Discharges:** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
1. **Flammable Or Explosive:** Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 2. **Toxic Or Poisonous:**
 - a. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure

or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

b. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the town wastewater treatment works shall pay for such increased costs.

3. Solid Or Viscous Substances: Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. Harmful Materials/Substances: The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, the sludge of any municipal system, the wastewater treatment process or equipment, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming this opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

1. Temperature: Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65 degrees Celsius).

2. Oils: Wastewater containing more than thirty five milligrams per liter (35 mg/l) of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

3. **Floatable Oils, Fat Or Grease:** Wastewater from industrial plants containing floatable oils, fat, or grease.
 4. **Improperly Shredded Garbage:** Any garbage that has not been properly shredded (see definition of "properly shredded garbage"). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 5. **Objectionable Substances:** Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials.
 6. **Odor Producing Substances:** Any waters or wastes containing odor producing substances exceeding limits which may be established by the superintendent.
 7. **Radioactive:** Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
 8. **Slug:** Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 9. **Substances Not Amenable To Treatment:** Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 10. **Interaction Causes Interference Or Deleterious Condition:** Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- E. **Authority To Reject; Require Pretreatment Or Control Quantity:** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or

possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection K of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the Montana state department of health.

- F. **Interceptors Required:** Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection D3 of this section, or any flammable wastes, sand or 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 superintendent and the Montana state plumbing code, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- G. **Owner's Expense:** Where pretreatment or flow equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- H. **Control Manhole Required:** When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. **Information To Determine Compliance:** The superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
1. Wastewater discharge peak rate and volume over a specified time period.
 2. Chemical analyses of wastewaters.
 3. Information on raw materials, processes, and products affecting wastewater volume and quantity.
 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 6. Details of wastewater pretreatment facilities.
 7. Details of systems to prevent and control the loss of materials through spills to the municipal sewer.
- J. **Measurements, Tests And Analyses:** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the superintendent.

- K. Special Agreement Or Arrangement: No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment. (Ord. 9A, 1-5-1988)

7-2-6: **TAMPERING WITH FACILITIES:** No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 9A, 1-5-1988)

7-2-7: **INSPECTORS; POWERS AND AUTHORITY:**

- A. Right Of Entry: The superintendent and other fully authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
- B. Confidential Information: The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. Safety Rules Observed; Indemnification: While performing the necessary work on private properties referred to in subsection A of this section, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 7-2-5H of this chapter.

- D. **Access To Easements:** The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 9A, 1-5-1988)

7-2-8: HEARING BOARD:

- A. **Appointment; Arbitration Costs:** A hearing board shall be appointed as needed for arbitration of differences between the superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the superintendent. The cost of the arbitration will be divided equally between the town and the sewer user.
- B. **Board Membership:** One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this chapter. (Ord. 9A, 1-5-1988)

7-2-9: PENALTIES:

- A. **Notice Of Violation:** Any person found to be violating any provision of this chapter, except section 7-2-6 of this chapter, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. **Noncompliance; Misdemeanor:** Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a misdemeanor, and on conviction thereof shall be subject to penalty as provided in section 1-4-1 of this code. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. **Liability For Expense, Loss Or Damage:** Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (Ord. 9A, 1-5-1988)

CHAPTER 3

SEWER SERVICE CHARGES

SECTION:

- 7-3- 1: Purpose
- 7-3- 2: Total Annual Cost Of Operation And Maintenance
- 7-3- 3: Each User's Wastewater Contribution Percentage
- 7-3- 4: Surcharge System For Users With Excess BOD And SS
- 7-3- 5: Each User's Wastewater Service Charge
- 7-3- 6: Wastewater Facilities Replacement Fund
- 7-3- 7: Payment Of User's Wastewater Service Charge And Penalties
- 7-3- 8: Review Of Each User's Wastewater Service Charge
- 7-3- 9: Notification
- 7-3-10: Prohibited Wastes
- 7-3-11: Prohibition Of Clear Water Connections
- 7-3-12: Proper Design And Construction
- 7-3-13: Appendices

7-3-1: **PURPOSE:** The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class. (Ord. 9B, 1-5-1988)

7-3-2: **TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE:** The town, or its town engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement,

maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. (Ord. 9B, 1-5-1988)

7-3-3: EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE:

- A. **Average Daily Volume:** The town, or its town engineer, shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The town, or its town engineer, shall determine for each user or user class the average daily poundage of five (5) day twenty degree centigrade (20°C) biochemical oxygen demand (BOD) discharged to the wastewater system which shall then be divided by the average daily poundage of all five (5) day BOD discharged to the wastewater system to determine such user's BOD contribution percentage.
- B. **Average Daily Total Suspended Solids:** The town, or its town engineer, shall determine for each user or user class the average daily total suspended solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS contribution percentage. The volume contribution percentage, BOD contribution percentage and TSS contribution percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total five (5) day twenty degree centigrade (20°C) BOD and total TSS, respectively. (Ord. 9B, 1-5-1988)

7-3-4: SURCHARGE SYSTEM FOR USERS WITH EXCESS BOD AND SS: The town, or its town engineer, will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above normal strength wastes. Normal strength wastes are considered to be two hundred (200) ppm BOD and two hundred fifty (250) ppm TSS. The surcharge rate structure for such above normal strength waste dischargers is found in subsection 7-3-13A of this chapter. (Ord. 9B, 1-5-1988)

7-3-5: EACH USER'S WASTEWATER SERVICE CHARGE: Each nonresidential user's wastewater treatment cost contributions as determined in sections 7-3-3 and 7-3-4 of this chapter shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other non-residential establishments as a residential user; provided, that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule found in subsection 7-3-13B of this chapter. (Ord. 9B, 1-5-1988)

7-3-6: WASTEWATER FACILITIES REPLACEMENT FUND: A reserve fund called the wastewater facilities replacement fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed (see subsection 7-3-13C of this chapter). (Ord. 9B, 1-5-1988)

7-3-7: PAYMENT OF USER'S WASTEWATER SERVICE CHARGE AND PENALTIES: The town shall submit an annual statement to the user for the user's annual wastewater service charge, or one-twelfth ($\frac{1}{12}$) of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The town shall add a penalty of one and one-half percent ($1\frac{1}{2}\%$) per month if the payment is not received by the town within thirty (30) days. Should any user fail to pay the user wastewater service charge and penalty within three (3) months of the due date, the town may stop the wastewater service to the property. (Ord. 9B, 1-5-1988)

7-3-8: REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE: The town shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two (2) years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to

adequately operate and maintain the wastewater treatment works. The town shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information, and the town shall then determine if the user's wastewater contribution percentage is to be changed. The town shall notify the user of its findings as soon as possible. (Ord. 9B, 1-5-1988)

7-3-9: **NOTIFICATION:** Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 9B, 1-5-1988)

7-3-10: **PROHIBITED WASTES¹:**

- A. **Prohibited Discharges:** The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.

- B. **Increased Costs:** Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the town wastewater treatment works shall pay for such increased costs. (Ord. 9B, 1-5-1988)

7-3-11: **PROHIBITION OF CLEAR WATER CONNECTIONS:** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 9B, 1-5-1988)

1. See chapter 2 of this title for additional requirements regarding the use of the town's public sewer.

7-3-12: **PROPER DESIGN AND CONSTRUCTION**¹: The size, slope, alignment, materials or construction of all sanitary sewers and sewer connections and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town and the state of Montana. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply. (Ord. 9B, 1-5-1988)

7-3-13: **APPENDICES:**

A. Appendix A, Surcharge Rate Schedule For Above Normal Strength Wastes: The town, or its engineer, has determined that the average total suspended solids (TSS) and five (5) day biochemical oxygen demand (BOD) daily loadings for the average residential user are two hundred (200) ppm BOD and two hundred fifty (250) ppm TSS. The town, or its engineer, has assessed a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such users' above normal strength wastes. Such users will pay an additional service charge of five and eight-tenths (5.8) cents per one thousand (1,000) gallons for each twenty five (25) ppm over two hundred (200) ppm of BOD and three and three-tenths (3.3) cents per one thousand (1,000) gallons for each twenty five (25) ppm over two hundred fifty (250) ppm TSS.

B. Appendix B, Rate Schedule:

1. Residential Users: Residential users are considered to be one class of user and are assessed a charge of ten dollars sixty two cents (\$10.62) per month. Nonresidential users with flows no greater than the average residential user's flow of eight thousand (8,000) gallons per month and with BOD and TSS no greater than the average residential user's strength of two hundred (200) ppm BOD and two hundred fifty (250) ppm TSS will pay the same charge of ten dollars sixty two cents (\$10.62) per month as the average residential user.

1. See chapter 2 of this title for additional requirements regarding the property design and construction of the town's sanitary sewers, building sewers, and connections.

2. Greater Than Average Volume: Nonresidential users with volume greater than the average residential user will pay an additional charge of sixty-seven cents (\$0.67) per one thousand (1,000) gallons per month for all flows greater than the average residential user's flow of eight thousand gallons (8,000) gallons per month.

3. Greater Than Average Strength: Any nonresidential user with BOD and TSS greater than the average residential user's strength of two hundred (200) ppm BOD and two hundred fifty (250) ppm TSS will pay a surcharge in accordance with the rates shown in the surcharge rate schedule.

- C. Appendix C, Wastewater Facilities Replacement Fund Schedule: The reserve fund called the wastewater facilities replacement fund established within the wastewater utility fund as an interest bearing account shall be funded by a deposit of five hundred dollars (\$500.00) per year obtained from the wastewater utility fund at the end of each fiscal year. All funds for operating and maintenance and repair or replacement reserve will be placed in an interest bearing account. (Ord. 9B, 1-5-1988)