

**ORDINANCE Ord #2015-005**

**AN ORDINANCE TO ADOPT  
CHAPTER 3, ARTICLES 1. IN GENERAL,  
ARTICLE 2. WATER, ARTICLE 3. SEWER  
TO THE CITY OF POLSON BOOK OF ORDINANCES**

**WHEREAS**, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

**WHEREAS**, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

**WHEREAS**, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

**CHAPTER 3**

**ARTICLE 1. IN GENERAL**

**ARTICLE 2. WATER**

**ARTICLE 3. SEWER**

All previous versions adopted by the City of Polson of these parts of the municipal code are hereby expressly repealed and replaced with these Ordinances. Any inconsistencies created in adopting such provisions are to be liberally construed in favor of the citizenry of the City.

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

**BE IT FURTHER ORDAINED**, that the clerk is hereby instructed to publish this Ordinance and to make the same available for public inspection and copying during normal business hours of the City.

Date: 03/23/15

First Reading: 6 ayes      nays      abstentions 1 absent

Date: 04/06/15

Second Reading: 7 ayes      nays      abstentions

Effective Date: 05/06/15

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

**Chapter 3. Utilities**

**ARTICLE 1. IN GENERAL**

**ARTICLE 2.- WATER**

**ARTICLE 3. SEWER**

**ARTICLE 4. STORMWATER**

**ARTICLE 5. UTILITY POLES**

**ARTICLE 6. PUBLIC WORKS STANDARDS**

**ARTICLE 7. INFRASTRUCTURE REBATE**

**ARTICLE 1. IN GENERAL-** Reserved

**ARTICLE 2. WATER**

**DIVISION 1. GENERALLY**

**DIVISION 2. PROTECTION OF WATER SUPPLY**

**DIVISION 3. WATER SERVICE UTILITY OPERATIONS**

**DIVISION 4. OUTDOOR WATER USE RESTRICTIONS**

**DIVISION 1. GENERALLY**

Secs. 03.01.100-03.01.199. Reserved.

**DIVISION 2. PROTECTION OF WATER SUPPLY**

Sec. 03.02.200. Interfering with or polluting water supply prohibited.

Sec. 03.02.210. Private water wells prohibited.

Secs. 03.02.220-03.02.299. Reserved.

Sec. 03.02.200. Interfering with or polluting water supply prohibited.

It is unlawful for any person, without the written permission of the director of public service, to manipulate, interfere with and/or obstruct, in whole or in part, directly or indirectly, the free flow of water in any part of the municipal water carrying, treatment and distribution system of the city, whether within or without the corporate limits of the city; and/or to manipulate, interfere with, injure, deface, remove and/or destroy any part of the water carrying, treatment and distribution system of the city, including in whole and in part any and all appliances, pipelines, aqueducts, reservoirs, telephone system and any signaling system or device, gates, headgates, measuring devices, ditches, canals, trenches, drains, valves, valve parts, manholes, hydrants, sprinkling-pipes, fences, gates, posts, signs, notices, storage tanks, booster stations and/or appurtenances of every kind and description of the water carrying, treatment and distribution system and/or used in connection therewith and/or for the protection thereof, and/or any part thereof; and/or to pollute and/or impair the purity and wholesomeness, by any means or manner whatsoever, of any part of the water supply of the municipal water carrying, treatment and distribution system within and without the corporate limits of the city.

Sec. 03.02.210. Private water wells prohibited.

The drilling and development of private water wells within the city is prohibited unless the applicant can show that public water cannot be provided to the subject property by the city. The drilling and development of private water wells within the city corporate limits for the use and benefit of property located outside of the city is prohibited.  
(Ord. No. 537, April 17, 1995)

Secs. 03.02.220-03.02.299. Reserved.

### **DIVISION 3. WATER SERVICE UTILITY OPERATIONS**

Subdivision I. - In General

Subdivision II. - Service Provided

Subdivision III. - Service Conditions

Subdivision IV. - Water System Rules and Regulations

Subdivision I. In General

Sec. 03.02.300. Provisions adopted; regulations a part of service contracts.

Sec. 03.02.301. Definitions.

Sec. 03.02.302. Purpose of provisions.

Sec. 03.02.303. Scope of provisions; revision conditions.

Sec. 03.02.304. Information available to public.

Secs. 03.02.305-03.02.309. Reserved.

Sec. 03.02.300. Provisions adopted; regulations a part of service contracts.

- A. The rules and regulations set out in this division are made for the government of the waterworks system of the city.
- B. These rules and regulations of the city pertaining to its waterworks system, are made a part of the contract with every individual, firm or corporation who takes water, and every such individual, firm or corporation agrees, in making application for water, to be bound thereby. The following rules and regulations set out in this division are adopted by the city.

Sec 03.02.301. Definitions.

- A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - 1. "Customer" means any individual, partnership, association, firm, public or private corporation, or governmental agency, or any other entity receiving water service from the utility. The term "customer" shall not include renters or occupants of an improvement served by water service. The real property owner shall be billed for

service as the customer and is responsible to the city for payment of the water utility bill.

2. "Meter" or "meters" mean the complete installation, including auxiliary devices and equipment, if any, used to measure the water supplied to a customer.
3. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to utility, unless otherwise defined in the service agreement.
4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.
5. "Service agreement" means the agreement or contract between utility and customer pursuant to which service is supplied and taken.
6. "Utility" means the City of Polson, Montana, and its water service division, engaged in the business of providing water and supplying water service to its customers on its system in the State of Montana.
7. "Water service" or "service" means the supplying of or availability at the point of delivery of water, and also the water delivered or used.

#### Sec. 03.02.302. Purpose of provisions.

These service regulations are intended to define good practice which can normally be expected, but are not intended to exclude other accepted standards and practices not covered herein. They are intended to ensure adequate service to the public and protect the utility from unreasonable demands.

#### Sec. 03.02.303. Scope of provisions; revision conditions.

These service regulations govern the supplying by the utility, and taking by its customers, of water service from the utility's water system. These regulations are subject to revision, and supersede all regulations, by whatever term designated, which may heretofore govern the supplying and taking of water service.

#### Sec. 03.02.304. Information available to public.

There shall be made available to the public at the office of the city clerk copies of these service regulations and the rate schedules, forms of agreement for water service, and service standards of the utility.

#### Secs. 03.02.305-03.02.309. Reserved.

### Subdivision II. Service Provided

#### Sec. 03.02.310. Service provided by utility; basis.

#### Sec. 03.02.311. Water service for customer's use only; violations.

#### Sec. 03.02.312. Customer to furnish easement, right-of-way and permits.

Sec. 03.02.313. Access to premises.  
Sec. 03.02.314. Unauthorized tapping into system prohibited.  
Sec. 03.02.315. Furnishing water to others prohibited; exception.  
Sec. 03.02.316. Procedure for activating water lines.  
Secs. 03.02.317-03.02.319. Reserved.

Sec. 03.02.310. Service provided by utility; basis.

The utility agrees to furnish water and water services for certain specified purposes as contained in the service agreement, for a certain specified sum, based either on a metered or non-metered rate, as hereinafter provided. Meter pits, containers, lids and fittings are the property of the customer. Meters, as property of the city, are installed by the city after payment of the hook-up fee by the user.

Sec. 03.02.311. Water service for customer's use only; violations.

If a customer furnishes other individuals or entities with water services without permission from the utility, or utilizes the water or water service for other purposes than for which it was intended, that customer is in violation of the customer's service agreement. Customers in violation of their service agreements may have their water service discontinued until such time as the charge for such additional service has been paid, together with the actual additional expense incurred by the utility in discontinuing or reconnecting water service.

Sec. 03.02.312. Customer to furnish easement, right-of-way and permits.

A customer, or prospective customer, must furnish all easements, cleared rights-of-way, and permits necessary to enable the utility to supply the service required.

Sec. 03.02.313. Access to premises.

The utility's employees or representatives, or other authorized persons, shall have access at reasonable hours to enter any premises where water is used, for the purpose of making inspection, or investigation.

Sec 03.02.314. Unauthorized tapping into system prohibited.

With the exception of special installation approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall tap into the utility's transmission or distribution system or service lines attached thereto.

Sec. 03.02.315. Furnishing water to others prohibited; exception.

In no instance may the customer extend such customer's water facilities across or under a street, alley, lane, court or avenue, or other public or private space, existing under different ownership, in order to obtain a rate advantage by taking water service for two or more premises through one source or meter.

Sec. 03.02.316. Procedure for activating water lines.

No person or entity shall activate a line connected to the utility's system, or allow any other person to do so, except upon specific, written permission of the utility. Activation of any line, for testing purposes, or otherwise, shall obligate the individual performing the test to turn off the water service at the curb stop.

Secs. 03.02.317-03.02.319. Reserved.

### Subdivision III. Service Conditions

Sec. 03.02.320. General conditions for supplying service.

Sec. 03.02.321. Application; existing service; requirements.

Sec. 03.02.322. Service supplied to existing points of delivery only.

Sec. 03.02.323. Line extension costs borne by customer.

Sec. 03.02.324. Installation conditions; property owner's responsibilities; permit required.

Sec. 03.02.325. Protective devices.

Sec. 03.02.326. Fire lines.

Sec. 03.02.327. Service lines; inspection, connection and penalty for failure to comply.

Sec. 03.02.328. Same—Property owner responsibility.

Sec. 03.02.329. Meter—Required for new service; installation cost deposit required.

Sec. 03.02.330. Same—Location.

Sec. 03.02.331. Same—Required for expanded service when.

Sec. 03.02.332. Same—Utility responsibility; maintenance.

Sec. 03.02.333. Irrigation or other outdoor use; restrictions; prohibited in emergencies.

Sec. 03.02.334. Flat-rate service; billing procedures; penalties for delinquent payment.

Sec. 03.02.235. Metered service; billing; penalties for delinquent payment.

Sec. 03.02.336. Billing method for multiple delivery points or separate meters for single customer.

Sec. 03.02.337. Termination of service by customer.

Sec. 03.02.338. Maintenance; customer responsibility; wasting water prohibited.

Sec. 03.02.339. Continuity of service; liability limitations.

Sec. 03.02.340. Suspension of service for repairs and changes.

Sec. 03.02.341. Interruption of service; liability limitations.

Sec. 03.02.342. Authorized utility personnel required for maintenance.

Sec. 03.02.343. Violation of irrigation or sprinkling rules; penalty.

Sec. 03.02.344. Violation of division provisions; disconnection of service required when.

Sec. 03.02.345. Accidents or Injuries.

Secs. 03.02.346-03.02.350. Reserved.

Sec. 03.02.320. General conditions for supplying service.

Service will be supplied only under and pursuant to these ordinances and any regulations adopted pursuant thereto, and any modification or additions thereto lawfully made, and under such applicable rates, schedules and contracts as may from time to time be lawfully established.

Sec. 03.02.321. Application; existing service; requirements.

Application for the use of water from an existing service must be made at the city administrative services office on a printed form provided for that purpose. Service will be furnished to any customer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the utility's rules and regulations as on record and, that the existing utility water system, and water supply, is adequate to meet the use for which the application is made.

Sec. 03.02.322. Service supplied to existing points of delivery only.

Service will be supplied under the applicable rates, schedules and contracts only at points of delivery as presently exist on the utility's system.

Sec. 03.02.323. Line extension costs borne by customer.

Line extension costs will be borne by the customer requesting that service.

Sec. 03.02.324. Installation conditions; property owner's responsibilities; permit required.

- A. Except under special conditions approved by the utility, the property owner, at the property owner's expense, will be responsible for installing all water service lines, fire lines, back flow valves and all other necessary appurtenances or attachments from the curb box to the meter inside the served structure. All water services to any premises shall be installed by a plumber licensed and bonded in accordance with Montana state law and the Polson Municipal Code. Service lines must be so installed that the supply of water for each separate building, house or customer shall be controlled by a separate curb stop placed within or near the property line. The curb stop and box must be kept in a readily accessible condition by the owner of the premises.
- B. An application for installation of water service to any premises must be signed by the property owner or the property owner's designated agent and must be made on a regular form furnished by the utility for that purpose. Prior to approval of such application, the utility will require the property owner to obtain a plumbing permit, and may require the property owner to establish credit or to furnish a deposit.
- C. Upon completion of the application, receipt of the plumbing permit and payment of all charges related to the connection of water services, and full inspection by the utility, the utility will, in its discretion and at the property owner's expense, install the service, from the main to the curb stop.

Sec. 03.02.325. Protective devices.

When it is deemed by the water superintendent that such protective devices are necessary to protect another customer's facilities and/or the municipal water supply system, the water superintendent may require a property owner to install, as a condition of continued water service and at the property owner's expense, an approved expansion tank, pressure reducing valve, backflow prevention device, pressure relief valve, or any other similar type of device on property owner's water service line at a location designated by the city's water superintendent. Property owners will be responsible for keeping these devices in good repair and effective operating

condition at all times. Failure to keep these devices in good working condition may be cause to discontinue water service to the property involved.

Sec. 03.02.326. Fire lines.

Fire lines will be applied for and installed, at the property owner's expense, in compliance with the city's standards of design and construction for fire lines. Except when specifically excepted, a fire line will not be interconnected with domestic service pipes downstream of the curb valve, and each fire line will have its own independent curb valve, which will be located at or near the water main in the street at a point designated by the city.

Sec. 03.02.327. Service lines; inspection, connection and penalty for failure to comply.

- A. The owner of any house, building or other property used for human occupancy, employment, or recreation, which is situated within the corporate city limits and abuts on any street, alley or right-of-way in which there is located a public water main of the city which the city determines is of sufficient capacity within 200 feet of the property line will, at the city's request and at the owner's expense, connect to the city water service for domestic purposes. The utility will be responsible for the connection from the water main to the curb box. The connection of the service lines between the main and the curb box will not be made by any other person, business or entity other than the utility unless given express permission by the utility.
- B. Prior to backfill, the applicant will notify the utility when the service line is ready for inspection and connection to the curb box. The connection and testing will be made under the supervision of the city water/sewer department. The utility may elect not to connect the property owner to the utility's water service unless the inspection has been completed and the service line fully complies with all applicable federal, state, and city regulations.
- C. Should the owner of any property described above fail to connect to the city's water service or in any way fail to comply with the provisions of this division, the water/sewer superintendent will provide the owner with notice of the requirement to do so. The notice will be sent to the owner by certified mail and give the owner 90 days to install the proper service lines. Should the owner fail to connect even after receiving proper notice, the utility may, at its discretion and at the owner's cost, lay the proper service lines from the main to the meter. The utility may charge the owner an additional five percent of the cost of installing the service for failure to connect within a timely manner.

Sec 03.02.328. Property owner responsibility.

- A. Water service lines and fire lines from the curb box to the premises are owned by the owner of the property served. As owners of the service lines, all new property owners will have the responsibility of keeping the service lines, backflow valves, and all other necessary appurtenances from the curb box to the meter in good condition. Should the lines not be properly maintained, the city may, at its discretion and at the owner's expense, fix or correct any deficiencies that occur which may affect the utility's ability to provide service to its customers. The utility, at its own expense, will maintain the service lines, fire lines or combinations thereof from the utility's main line to the property owner's curb box.
- B. Any property owner currently receiving water from the utility seeking to utilize the water provided for purposes not stated in their original agreement with the utility, including but not

limited to extending those lines, or those requiring any type of repair to the water lines within their boundaries will be required to complete a new application in which they agree to maintain the service line from the curb box to their property.

Sec. 03.02.329. Meter—Required for new service; installation cost deposit required.

All new installations shall be metered. Prior to installation, the customer is required to deposit with the utility an amount equal to the installation charges, as determined by the utility. Following installation, the actual costs incurred thereby will be credited against the amount of the deposit. If the installation charges are less than the deposit, the difference between the actual costs incurred and the deposit shall be refunded to the customer. If the installation costs are greater than the deposit, the difference shall be billed to the customer.

Sec. 03.02.330. Same—Location.

The meter shall be located in a meter pit specified by the city or inside a commercial building that is accessible during normal business hours.

Sec. 03.02.331. Same—Required for expanded service when.

Any customer presently on a flat-rate schedule for fire service who installs additional fixtures or seeks to utilize the water provided for purposes not stated in their original agreement, such as expanding or remodeling improvement, shall be required to convert to a metered water service.

Sec. 03.02.332. Same—Utility responsibility; maintenance.

The utility shall install and maintain all meters to include routine maintenance and replacement of meters on an established schedule. When it is determined maintenance is required, the utility will notify the customer in writing and schedule the required service. No person, business or entity other than the utility will tamper with the meter for any reason. Should the customer feel maintenance is required or for any other reason feels the meter should be inspected, the customer must contact the city's water/sewer superintendent to schedule service.

Sec 03.02.333. Irrigation or other outdoor use; restrictions; prohibited in emergencies.

In emergency situations, as determined by the water superintendent, which demand immediate action, the water superintendent of the utility may immediately restrict or wholly prohibit the use of water from the utility's system by notifying customers by newspaper publication and/or public by service radio announcements within the city.

Sec. 03.02.334. Flat-rate fire service; billing procedures; penalties for delinquent payment.

All flat-rate fire services shall be billed monthly in advance, on or about the first day of each month, based on rates and charges on file with the city. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the water service will be disconnected after a ten-day written notice. Service will not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting and subsequently reconnecting the line.

Sec03.02.335. Metered service; billing; penalties for delinquent payment.

All metered services shall be billed for actual water consumed, based on rates and charges as established by resolution of the city commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the utility, at its own discretion, may disconnect the water services following a ten-day written notice. Should the utility disconnect a customer's service for failure to pay a delinquent bill, service shall not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting or subsequently reconnecting the line. In the event of a transfer of ownership of a property with supplied water, the seller, purchaser, or real estate agent may request that the meter be read at a specific time to establish the final bill for the seller. Either the seller or purchaser may direct that the water be turned off. It is the property owner's responsibility to notify the city when his/her property becomes vacant and whether the water is to be turned off or left on. Base rates will continue to be assessed and paid without regard to termination of service.

No user of the city water system shall block access to the water meter.

Sec. 03.02.336. Billing method for multiple delivery points or separate meters for single customer.

Where separate points of delivery exist for supplying service to a single customer, or separate meters are maintained and provided for measurement of service to a single customer, each point of delivery or metering shall be separately billed under the applicable rates. An accessible curb stop will be provided for each point of delivery.

Sec. 03.02.337. Termination of service by customer.

Customer shall give utility at least 24 hours' notice, Saturdays, Sundays and holidays excluded, to terminate service, unless a longer notice of termination is provided for in the service agreement. Should the customer desire to discontinue the use of water temporarily, or should the premises become vacant, the utility must be notified in writing of the temporary discontinuance of use of the utility water supply.

Sec. 03.02.338. Maintenance; customer responsibility; wasting water prohibited.

Waste of water is prohibited, and customers must keep their fixtures and interior pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the city, and if not repaired within five days after written notice is given, water service may be discontinued until such time as the leak is repaired.

Sec. 03.02.339. Continuity of service; liability limitations.

- A. The utility shall make reasonable effort to avoid interruption of service, and when such interruptions occur, shall reestablish service with reasonable diligence.
- B. The utility shall not be liable to customer or others for failure or interruption of water service due to acts of God, governmental regulations, court orders, acts of the public enemy,

strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

Sec. 03.02.340. Suspension of service for repairs and changes.

When it is necessary for the utility to make repairs or to change its water collecting, storage, transmission or distribution system, meters or other property, utility may, without incurring any liability therefor, suspend service for such period as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers.

Sec. 03.02.341. Interruption of service; liability limitations.

Interruptions of service resulting from the repair of leaks as provided in section 08.02.890, or for repair of frozen facilities of the customer, shall not render the utility liable for any adjustment in customer's bill. Whenever service is discontinued under section 08.02.890, the utility shall not be required to restore service until customer's account, if any be outstanding, is paid in full. The utility may also require customer to pay all costs of discontinuing or reestablishing service.

Sec. 03.02.342. Authorized utility personnel required for maintenance.

With the exception of special installations approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall maintain or repair the utility's water utility system.

Sec. 03.02.343. Violation of irrigation or sprinkling rules; penalty.

At such time when the utility, through its agents, employees or representatives, determines that a customer is in violation of the utility's regulations in regard to sprinkling or irrigation, the utility shall deliver to such customer a copy of the notice of hours and days of sprinkling and irrigating, and shall advise the customer that such customer is in violation of the rule. If the customer is found in violation of the rule on more than one occasion in any one irrigation or sprinkling season, the customer will be notified by certified mail, with return receipt, that another violation will result in discontinuance of service.

Sec. 03.02.344. Violation of division provisions; disconnection of service required when.

For violation of any of these regulations or for nonpayment of water charges, as provided in the utility's schedule of rates and charges currently on file with the city, the utility has the right to disconnect water service following ten days' written notice to the customer. After service has been discontinued, the same shall not be reinstated until all delinquent charges are paid. Costs of all disconnects and/or subsequent reconnects shall be borne by the customer.

Sec. 03.02.345. Accidents or Injuries.

The city will not be responsible for any accident or injury to a property owner or renter which may occur by reason of any pipes, water heaters or house or business fixtures used upon any of the premises being supplied with water, or which may occur by reason of the shutting off of the water, for the non-payment of water charges fixed herein, or for any other reason, such as frozen or broken water lines.

Secs. . 03.02.346-03.02.349. Reserved.

#### Subdivision IV. Water System Rules and Regulations

Sec. 03.02.350. Rules and regulations adopted; part of contract with customer.

Sec. 03.02.351. Plumbers; rules and regulations.

Secs. 03.02.352-03.02.359. Reserved.

Sec. 03.02.350. Rules and regulations adopted; part of contract with customer.

- A. The following rules and regulations are made for the government of the waterworks system of the city.
- B. These rules and regulations of the city, pertaining to its waterworks system are made a part of the contract with every individual, firm or corporation who takes water. The following rules and regulations are adopted by the city:
  - 1. An application for the introduction of water service to any premises must be signed by the owner of the premises and must be made on the regular form furnished by the city for that purpose. When such an application has been granted, the city, at the property owner's expense, will tap the main and furnish corporation stop, clamp when necessary, and any other material used or labor furnished in connection with the tapping of the main. All expense of laying the service pipes from the mains to the property owner's premises must be borne by the property owner. Additionally, the property owner is responsible for the maintenance of all service lines including the pipe and all necessary fixtures and appurtenances as required, from the curb stop to the meter as well as all associated costs. The lines must be laid below the street grade and on the property owner's premises, at a depth not less than six feet and, designated by the city, to prevent freezing. A curb stop of approved pattern with a cast-iron curb box must be installed by the property owner at a point designated by the city. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun.
  - 2. At some convenient point inside of the building and so located that it cannot freeze, a stop and waste stop must be placed, so that the water can be readily shut off from the building and the water pipes drained to prevent freezing.
  - 3. Waste of water is prohibited, and consumers must keep their fixtures and service pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the city and if not repaired after reasonable notice is given, the water will be shut off by the city.
  - 4. No plumber or other person will be allowed to make connection with any conduit, pipe or other fixture connecting therewith or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the city.

5. Service pipes shall be so arranged that the supply of each separate building, house or premises may be controlled by a separate curb stop, placed within or near the line of the street curb, under rules established by the city. This curb stop and box must be kept in repair and easily accessible by the owner of the premises.
6. Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the city, when notified to do so in writing, will shut off the water at the curb.
7. Shutoff notice; effect of shutoff on boilers
  - a. Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies, their water supply may be shut off at any time.
  - b. All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve must always be placed between the boiler and the city's mains to prevent draining the boiler.
8. Contractors, builders and owners are required to take out a permit for the use of water for building and other purposes in construction work, payable in advance at a rate set by the commission. Consumers are warned not to allow contractors to use their fixtures unless they produce a permit specifying the premises on which the water is to be used. Water will not be turned on at any new building until all water used during construction has been paid.
9. The city's officers or other authorized person shall have access at reasonable hours to enter any premises where water is used, for the purpose of making inspection or investigation.
10. For violation of any of these rules or for nonpayment of water usage, for either domestic, sprinkling or other purposes, the city has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of rules, the same shall not be turned on again until unpaid usage charges are paid, together with the cost incurred thereby.
11. Applicability of flat rate and meter rate rules.
  - a. The flat-rate rules and the meter-rate rules shall be effective for all water utilities having schedules of that nature.
  - b. This rule, however, shall not be construed to mean that the city must have both flat rates and meter rates. The city may adopt either a flat-rate or meter-rate schedule, or both.
  - c. In addition to the general flat-rate and meter-rate rules, the city may adopt other rules by written order of the director of public works.

C. Flat-rate service.

1. The flat-rate will cover the use of water for domestic use, lawn sprinkling, and any other purposes enumerated on the rate sheet covering flat-rate services. The city agrees to furnish water for certain specified uses for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from the city, or uses it for other purposes than those the customer is paying for, it is a violation of the consumer's contract and the consumer offending, after reasonable notice, may have the consumer's water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on water.
2. Flat-rate water charges are payable monthly in advance and payments should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of the month, the water will be shut off.
3. Every user of water coming under the use prescribed under meter rates shall furnish a meter at the user's own expense, and the meter rate for the first month shall be the rate for such use as estimated by the city clerk, and thereafter the rate shall be paid monthly in advance; and payment should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of each month, the water will be shut off. The rate for each succeeding month after the first month shall be based upon the amount of water used during the preceding month.
4. Should any consumer on a flat-rate schedule wish to install additional fixtures or should such customer desire to apply the water to purposes not stated in the original application, written notice must be given the city prior to making such installation or change of use. Special extension permits are issued for any extension of pipes within a building. In case a consumer places new fixtures on the consumer's premises without securing an extension permit from the city, when such fixtures are discovered, a charge will be made for such extra fixtures at schedule rates for the full length of time such fixtures have been installed.
5. Should it be desired to discontinue the use of water for any special purpose, whether for bathtubs, closets, lawn sprinklers, hose connections, or other fixtures, the faucet must be removed, the branch pipe plugged, and notice given the city at the city clerk's office before any reduction of rates will be made.

Sec. 03.02.351. Plumbers; rules and regulations.

A. The following rules and regulations are adopted in regard to plumbers:

1. Inspection of the work. No person or firm, carrying on a plumbing business, shall without city permission interrupt water service or resist an inspection of the person's or firm's work, done upon the pipes or appurtenances of the city waterworks or its consumers.
2. Application for permits. Any person or firm, carrying on a plumbing business, desirous of introducing water from the works to any premises, or of making any alterations, additions or extensions for consumers, shall first procure a permit from the city for such purpose, and for each and every opening, excavation or change required. All applications for permits must be made in writing, upon blanks furnished by the city,

stating the full name of the owner of the property and the purpose for which the water is to be used.

3. Taps. No person, except the tapper employed by the city, shall, under any circumstances, tap the distribution pipes or insert pipes therein, or lay pipes in the streets.
4. Kind of material that may be used.
  - a. All pipes placed in connection with the city waterworks, and the pattern of all water closets, hydrants, curb stops, and other appurtenances that are proposed to be used, shall be submitted to the inspection and subject to the approval of the water/sewer superintendent.
  - b. The water pipe laid in trenches shall be laid not less than six feet below the surface of the ground, and in such a manner as to prevent rupture by settlement.
  - c. All pipe and all stops and fixtures must be of sufficient strength to sustain a hydrostatic pressure of 300 pounds to the square inch.
  - d. All work shall be done in the manner required by the city engineer and shall be subject to its inspection or approval; and no work underground shall be covered up until so inspected and approved.
5. Location of service pipe.
  - a. Permits for attachments will not be granted when the service pipe passes over or through premises which at the time are, or may thereafter, become the property of persons other than the owner of the premises to be supplied by such attachments; and in case the building does not occupy the full width of the lot on which it is situated, the service pipe must either be laid under the building or in the lot clear of the building, and within three feet of the side wall thereof.
  - b. No service pipe will be permitted to be laid in a sewer trench, or within 18 inches of such trench.
6. Curb stop and boxes. There shall be a curb stop and curb box attached to every supply pipe at the point where it enters the building, so as to admit the water being shut off in frosty weather, or in case of accident, and of the pipes being drained. The service pipe passing from the ground into every building shall be enclosed in a box of not less than eight inches, inside measurement, filled with sawdust or other suitable material to protect the pipes from frost, except when connections are in basements or crawlspaces.
7. Turning on and shutting off water. No plumber shall turn on the water at the curb stop, or allow any person in such plumber's employ to do so, except with the special permission of the water/sewer superintendent. When the work in any building has been completed and tested, it shall be the duty of the plumber or fitter to turn off the water.
8. No plumber or fitter to allow name to be used by others.

- a. No plumber or fitter shall allow the plumber's or fitter's name to be used by any person, directly or indirectly, either to obtain a permit or permits, or to do any work under the plumber's or fitter's bond.
- b. The license of any plumber violating any of the city's rules and regulations governing the introduction, supply and consumption of water, will be revoked or suspended, at the discretion of the city, and will not be renewed under any circumstances until the city has been reimbursed for all damages that it may have sustained on account of such violation.

Secs. 03.02.352—03.02.359. Reserved.

#### **DIVISION 4. OUTDOOR WATER USE RESTRICTIONS**

Sec. 03.02.400. Definitions.

Sec. 03.02.401. Application of restrictions.

Sec. 03.02.402. Authority to restrict outdoor use of water.

Sec. 03.02.403. Sprinkling systems; timing.

Sec. 03.02.404. Landscaping; seeding; sodding; planting.

Sec. 03.02.405. Notice required.

Sec. 03.02.406. Wasting water prohibited.

Sec. 03.02.407. Exception to maintain sanitation.

Secs. 3.02.408-3.02.499. Reserved.

Sec. 03.02.400. Definitions.

A. For the purposes of this division, the following terms, phrases, words, and their derivations shall have the meaning given herein.

1. "Outdoor use" means the use of water, excepting water which has been used indoors and is being recycled for outdoor use, for:
  - a. Sprinkling or irrigating gardens, lawns or other outdoor vegetation;
  - b. Washing automobiles, trucks, or other mobile equipment except at places of business where such are washed on every business day either with attendants, with automatic equipment or by self-service;
  - c. Washing sidewalks, driveways, outside building walls or other outdoor surfaces;
  - d. Washing any business or industrial equipment machinery;
  - e. Operating any ornamental fountain or other similar structure not employing a recirculating system;
  - f. Swimming and wading pools not employing a filter and recirculating system;
  - g. Leakage or other escape outdoors through defective plumbing when a person has knowingly permitted the defective plumbing to remain in disrepair;
  - h. Settling back-fill around foundations, pipes, etc.; and
  - i. Other outdoor uses including use for fire protection.
2. "Water" means water from the city's water service utility.

Sec. 03.02.401. Application of restrictions.

- A. The provisions of this division or any restriction or prohibition in force pursuant thereto shall apply as follows:
1. To all persons using water both in and outside the city, and regardless of whether any person using water shall have a contract for water service with the city; or
  2. To persons contracting for water service at a location who shall be responsible and strictly liable for all water use at that location.

Sec. 03.02.402. Authority to restrict outdoor use of water.

The director of public works is, with the concurrence of the city manager, authorized, directed and empowered, whenever in the director's opinion the necessities of the situation demand such action, to restrict or wholly prohibit the outdoor use of the water supply of the water service utility.

Sec. 03.02.403. Sprinkling systems; timing.

Whenever outdoor use restrictions are in effect, the director of public works may set alternative time restrictions for the use of large scale sprinkling systems or those which are equipped with a timing device.

Sec. 03.02.404. Landscaping; seeding; sodding; planting.

While it is not the intent of this division to place restrictions on the normal conduct of business, whenever outdoor use restrictions are in effect, the director of public works may restrict or wholly prohibit the seeding, sodding or planting of live vegetation.

Sec. 03.02.405. Notice required.

Restrictions or prohibitions imposed by the director of public works shall become effective at midnight immediately following the publication of notice thereof in any weekly newspaper published within the county.

Sec. 03.02.406. Wasting water prohibited.

Whenever outdoor use restrictions are in effect, no person shall waste water which shall include but not be limited to permitting water to escape or run to waste.

Sec. 03.02.407. Exception to maintain sanitation.

The director of public works shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 08.02.1308. Enforcement.

- A. Police officers to enforce. Every police officer of the city shall, in connection with the duties imposed by law, diligently enforce the provisions of this division.

- B. Discontinuance of service. The city manager shall have the authority to enforce the provisions of this division by the discontinuance of water service in the event of violation hereof.

Secs. 3.02.408-3.02.499. Reserved.

**ARTICLE 3. SEWER**

**DIVISION 1. GENERALLY**

**DIVISION 2. SEWER SERVICE RULES AND REGULATIONS**

**DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM**

**DIVISION 4. SEWER SERVICE OUTSIDE CITY**

**DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES**

**DIVISION 1. GENERALLY**

Secs. 03.03.100—03.03.199. Reserved.

Secs. 03.03.100—03.03.199. Reserved.

**DIVISION 2. SEWER SERVICE RULES AND REGULATIONS**

Subdivision I. - In General

Subdivision II. - General Regulations

Subdivision III. - Service Provided

Subdivision IV. - Service Conditions

Subdivision I. In General

Sec. 03.03.200. Regulations adopted; applicability.

Sec. 03.03.201. Definitions.

Secs. 03.03.202—03.03.209. Reserved.

Sec. 03.03.200. Regulations adopted; applicability.

The city commission adopts the following service regulations prescribing standards for sewer service as provided under Montana Law. These regulations supersede all rules, regulations and supplements previously applicable to municipal sewer utility operations.

Sec. 03.03.201. Definitions.

A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Customer" means any individual, partnership, association, firm, public or private corporation or governmental agency, or any other entity receiving sewer service from the utility. The term "customer" shall not include renters or occupants of an improvement served by sewer service. The real property owner shall be billed for

service as the customer and is responsible to the city for payment of the sewer utility bill.

2. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to the utility, unless otherwise defined in the service agreement.
3. "Pit privy" means a pit that receives undiluted, non-water-carried toilet wastes and does not include licensed, individual mobile toilets;
4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.
5. "Service agreement" means the agreement or contract between the utility and customer pursuant to which service is supplied and taken.
6. "Sewer service" or "service" means the collection and treatment of waterborne wastes.
7. "Utility" means the City of Polson and its sewer service division, engaged in the business of providing sewage collection and treatment to its customers on its system in the state of Montana.

Secs. 03.03.202—03.03.209. Reserved.

#### Subdivision II. General Regulations

Sec. 03.03.210. Purpose of provisions.

Sec. 03.03.211. Applicability of provisions.

Sec. 03.03.212. Regulations available to the public.

Sec. 03.03.213. Waiver of regulations; conditions.

Secs. 03.03.214—03.03.219. Reserved.

Sec. 03.03.210. Purpose of provisions.

These service regulations are intended to define good practice which can normally be expected, but are not intended to exclude other accepted standards and practices not covered herein. They are intended to ensure adequate service to the public and protect the utility from unreasonable demands.

Sec. 03.03.211. Applicability of provisions.

These service regulations govern the supplying by the utility, and taking by its customers, sewer service to the utility's sewer system. These regulations are subject to revision, upon approval by the commission, and supersede all regulations, by whatever term designated, which may heretofore govern the collection and treatment of waterborne wastes.

Sec. 03.03.212. Regulations available to the public.

There shall be made available to the public at the office of the city copies of these service regulations and the rate schedules, forms or agreement for sewer collection and treatment standards of the utility.

Sec. 03.03.213. Waiver of regulations; conditions.

In any case where compliance with any of these rules introduces unusual difficulty, such rule may be temporarily waived by the director of public works upon application of the utility or the customer.

Secs. 03.03.214—03.03.219. Reserved.

### Subdivision III. Service Provided

Sec. 03.03.220. General service conditions.

Sec. 03.03.221. Easements, rights-of-way and permits furnished by customer.

Sec. 03.03.222. Sewer service for customer use only.

Sec. 03.03.223. Access to premises for inspection.

Sec. 03.03.224. Extension of service to other persons prohibited when.

Sec. 03.03.225. Connections to be made by authorized personnel.

Secs. 03.03.226-03.03.229. Reserved.

Sec. 03.03.220. General service conditions.

The utility agrees to furnish sewer services for certain specified purposes, as contained in the service agreement, for a certain specified sum based either on a metered or non-metered rate, as hereinafter provided.

Sec. 03.03.221. Easements, rights-of-way and permits furnished by customer.

A customer, or prospective customer, must furnish all easements, cleared rights-of-way and permits necessary to enable the utility to supply the service required.

Sec. 03.03.222. Sewer service for customer use only.

If a customer furnishes other individuals or entities with sewer services without permission from the utility, or utilizes the sewer service for other purposes than for which it was intended, that customer is in violation of the customer's service agreement. Customers in violation of their service agreements may have their water service discontinued until such time as the charge for such additional service has been paid, together with the actual additional expense incurred by the utility in discontinuing or reconnecting water service.

Sec. 03.03.223. Access to premises for inspection.

The utility's employees or representatives, or other authorized persons, shall have access at reasonable hours to enter any premises where sewers are used, for the purpose of making inspection or investigation.

Sec. 03.03.224. Extension of service to other persons prohibited when.

In no instance may the customer extend the customer's sewer facilities across or under a street, alley, lane, court or avenue, or other public or private space, existing under different ownership, in order to obtain a rate advantage by taking sewer service for two or more premises through one connection.

Sec. 03.03.225. Connections to be made by authorized personnel.

With the exception of special installation approved by the utility, no person or other entity, other than agents, representatives or employees of the utility shall connect to the utility's collection system or service lines attached thereto.

Secs. 03.03.226-03.03.229. Reserved.

#### Subdivision IV. Service Conditions

Sec. 03.03.230. Basis for supply of service.

Sec. 03.03.231. Service provided only to existing collection points.

Sec. 03.03.232. Line-extension costs borne by customer.

Sec. 03.03.233. Application and other service conditions.

Sec. 03.03.234. Installation prerequisites and procedures.

Sec. 03.03.235. Elevation check and permit.

Sec. 03.03.236. Billing—For multiple delivery points or separate meters for single customers.

Sec. 03.03.237. Same—Meter service; penalty for delinquent payments.

Sec. 03.03.238. Same—Flat-rate service; penalty for delinquent payments.

Sec. 03.03.239. Continuity of service; liability limitations.

Sec. 03.03.240. Suspension of service for repairs and changes.

Sec. 03.03.241. Maintenance—Work performed by utility.

Sec. 03.03.242. Same—Authorized personnel required.

Sec. 03.03.243. Violation of regulations; nonpayment of sewer charges notice; penalty.

Secs. 03.03.244-03.03.249. Reserved.

Sec. 03.03.230. Basis for supply of service.

Service will be supplied only under and pursuant to these service regulations, and any modifications or additions thereto lawfully made, and under such applicable rates, schedules and contracts as may from time to time be lawfully established.

Sec. 03.03.231. Service provided only to existing collection points.

Service will be supplied under the applicable rates, schedules and contracts only at points of collection as are presently existing on the utility's system.

Sec. 03.03.232. Line-extension costs borne by customer.

Line-extension costs will be borne by the customer requesting that service.

Sec. 03.03.233. Application and other service conditions.

Application for the use of sewers from an existing service must be made at the city administrative services office on a printed form provided for that purpose. Service will be furnished to any customer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service, provided the purposes set forth comply with all the utility's rules and regulations as on record and approved by the commission, and that the existing utility sewer system is adequate to meet the use for which the application is made.

Sec. 03.03.234. Installation prerequisites and procedures.

All sewer services to any premises shall be installed by a bonded installer, except under special conditions approved and inspected by the utility. An application for introduction of sewer service to any premises must be signed by the owner or the owner's designated agent, and must be made on a regular form furnished by the utility for that purpose. Prior to approval of such application the utility may require the customer to establish credit or to furnish a deposit. The utility shall then install the service to the property line, and the customer shall have the service brought to the building by a bonded installer, agreed upon between utility and customer.

Sec.03.03.235. Elevation check and permit.

All new sewer service installations shall be subject to a preconstruction elevation review and permit. Prior to the commencement of construction of sewer services upon properties included in the city service area, the owner or agent shall make application for an elevation check on the slope of sewer services to the public utility's sewer main. The city will, upon the receipt of application and payment of the fee for services, inspect the property and determine if the building or proposed building sewer services will meet minimum slope for flow into the sewer mainline. If the same does not meet such minimum, the permit shall be denied and no installation of services will be made to the sewer mainline. If approved, the owner may proceed with construction and installation to the mainline in accordance with these and other ordinances of the city.

The fee for the inspection and review of elevation and slope shall be set by resolution of the commission as set forth in the city's Schedule of Fees.

Sec. 03.03.236. Billing—For multiple delivery points or separate meters for single customers.

Where separate points of delivery exist for supplying service to a single customer, or separate meters are maintained and provided for measurement of service to a single customer, each point of collection or metering shall be separately billed under the applicable rates.

Sec. 03.03.237. Same—Meter service; penalty for delinquent payments.

All metered services shall be billed based on the actual water consumed, based on rates and charges on file with and approved by the commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the water service will be disconnected after a ten-day written notice. Service shall not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting or subsequently reconnecting the line.

Sec. 03.03.238. Same—Flat-rate service; penalty for delinquent payments.

All flat-rate services shall be billed monthly in advance, on or about the first day of each month, based on rates and charges on file with and approved by the commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the sewer service will be disconnected after a ten-day written notice. Service will not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting and subsequently reconnecting the line.

Sec. 03.03.239. Continuity of service; liability limitations.

- A. The utility shall make reasonable effort to avoid interruptions of service, and when such interruptions occur, shall reestablish service with reasonable diligence.
- B. The utility shall not be liable to customer or others for failure or interruption of sewer service due to acts of God, governmental regulations, court or commission orders, acts of the public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

Sec. 03.03.240. Suspension of service for repairs and changes.

When it is necessary for the utility to make repairs or to change its sewer collecting system, the utility may, without incurring any liability therefor, suspend service for such period as may be reasonably necessary, and in such manner as to minimize the significance to customers.

Sec. 03.03.241. Maintenance—Work performed by utility.

Once service to any customer has been installed, the utility, at its own expense, shall maintain the connection to the mainline within the public right-of-way line.

Sec. 03.03.242. Same—Authorized personnel required.

With the exception of special installations approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall maintain or repair the utility's sewer system.

Sec. 03.03.243. Violation of regulations; nonpayment of sewer charges notice; penalty.

For violation of any of these regulations, or for nonpayment of sewer charges as provided in the utility's schedule of rates and charges currently on file with and approved by the commission, the utility has the right to disconnect sewer service following ten days' written notice to the customer. After service has been discontinued, the same shall not be reinstated until all delinquent charges are paid. Costs of all disconnects and/or subsequent reconnects shall be borne by the customer.

Secs. 03.03.244-03.03.249. Reserved.

### **DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM**

- Sec. 03.03.300. Purpose and policy.
- Sec. 03.03.301. Definitions.
- Sec. 03.03.302. Abbreviations.
- Sec. 03.03.303. Discharge prohibitions.
- Sec. 03.03.304. Wastewater dischargers.
- Sec. 03.03.305. Permit required for connection or use.
- Sec. 03.03.306. Sand and grease traps.
- Sec. 03.03.307. Construction and materials standards.
- Sec. 03.03.308. Use of old building sewers permitted when.
- Sec. 03.03.309. Building sewer—Location.
- Sec. 03.03.310. Same—Excavations.
- Sec. 03.03.311. Same—Connection to system; specifications.
- Sec. 03.03.312. Same—Inspection requirements.
- Sec. 03.03.313. Connection to public sewer; when required.
- Sec. 03.03.314. Private sewage disposal facilities—restrictions.
- Sec. 03.03.315. Discharge of unpolluted waters to sanitary sewer prohibited unless approved.
- Sec. 03.03.316. Connecting downspouts or drains to building sewers prohibited when.
- Sec. 03.03.317. Special agreements for sewage treatment.
- Sec. 03.03.318. National Categorical Pretreatment Standards.
- Sec. 03.03.319. State requirements.
- Sec. 03.03.320. Excessive discharge.
- Sec. 03.03.321. Accidental discharges; notice to employees; control of slug discharges.
- Sec. 03.03.322. Wastewater classification survey.
- Sec. 03.03.323. Industrial discharge permit.
- Sec. 03.03.324. Monitoring facilities.
- Sec. 03.03.325. Sampling, analysis and inspection.
- Sec. 03.03.326. Reporting and compliance requirements.
- Sec. 03.03.327. Affirmative defenses.
- Sec. 03.03.328. Upsets.
- Sec. 03.03.329. Bypass.
- Sec. 03.03.330. Suspension and revocation of permit.
- Sec. 03.03.331. Nuisance; injunctive relief available; liability.
- Sec. 03.03.332. Criminal penalties.
- Sec. 03.03.333. Civil penalties.
- Secs. 03.03.334—03.03.399. Reserved.

Sec. 03.03.300. Purpose and policy.

- A. This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws.
- B. The objectives of this division are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
  3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
  4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 03.03.301. Definitions.

- A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, title 33, ch. 26, USC.
  2. "Authorized representative of industrial user" means:
    - a. A principal executive officer or an officer of at least the level of vice-president, if the industrial user is a corporation;
    - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
    - c. A duly authorized representative of the individual designated in subsections a and b of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
  3. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
  4. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other polluted waters in drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
  5. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

6. "Bypass" means the diversion of waste streams from any portion of an industrial user's treatment facility directly to the POTW.
7. "Categorical standards" means National Categorical Pretreatment Standards or pretreatment standard.
8. "Combined sewer" means a sewer receiving both surface runoff and sewage.
9. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
10. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Montana.
11. "Engineer" means the city engineer, or the city engineer's authorized deputy, agent or representative.
12. "Estimated maximum daily discharge" means the greatest discharge into the sewerage system which it is estimated will occur in any one 24-hour day during the year.
13. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
14. "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
15. "Holding tank waste" means any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
16. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the publicly owned treatment works (POTW).
17. "Industrial user" means any user that discharge wastewater other than domestic wastes from industrial or commercial processes.
18. "Industrial wastes" means the liquid wastes from industrial processes, as distinct from sanitary sewage.
19. "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 085 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

20. "National Categorical Pretreatment Standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.
21. "National Pollution Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to section 082 of the Act (33 USC 1342).
22. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any regulation developed under the authority of 307(b) of the Act and 08 CFR 083.5, as amended.
23. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
24. "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing section 307(c) (33 USC 1317), Categorical Pretreatment Standard, which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
25. "Pass-through" means a discharge which exits the POTW into waters of the state in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
26. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
27. "Pollutant" means any dredged spoil, solid waste, incinerator residue, wastewater, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.
28. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
29. "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.
30. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 08 CFR 083.6(d).

31. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of foods 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 in any dimension.
32. "Publicly owned treatment works (POTW)" means a treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by permit, contract or agreement with the city, users of the city's POTW.
33. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the city.
34. "Sanitary sewer" means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.
35. "Severe property damage" means substantial physical damage to property, or significant operational interference, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
36. "Sewer" means a pipe or conduit for carrying sewage.
37. "Significant industrial user." Except as provided herein the term "significant industrial user" means:
  - a. All industrial users subject to categorical pretreatment standards under 08 CFR 083.6 and 08 CFR ch. I, subch. N; and
  - b. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the engineer on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
38. "Slug discharges" means any nonroutine discharge, episodic in nature, including but not limited to an accidental spill or a noncustomary batch discharge.
39. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
40. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

41. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
42. "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
43. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated under the provisions of CWA 307(a) or other acts.
44. "Upset" means an incident, beyond the reasonable control of the industrial user, that causes the user to be in unintentional and temporary noncompliance with categorical pretreatment standards. Upsets do not include noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.
45. "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
46. "Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such groundwater, surface water and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
47. "Wastewater contribution permit" shall have the meaning as set forth and described herein.
48. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
49. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Sec. 03.03.302. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
CWA	Clean Water Act
l	Liter
mg	Milligrams
mg/l	Milligrams per liter

NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids

Sec. 03.03.303. Discharge prohibitions.

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standard or requirements. A user may not contribute the following substances to any POTW:
1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 108 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 08 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which constitutes a fire or explosion hazard;
  2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities. Prohibited materials include but are not limited to: fats, oils, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, paint, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
  3. Unless authorized by the superintendent, any wastewater having a pH less than 6.0 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;
  4. Any wastewater containing toxic pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act;

5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or which create the presence of toxic gases, vapors or fumes within in the POTW in a quantity that may cause acute worker health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair;
  6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 085 and section 503 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
  7. Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;
  8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions;
  9. Any wastewater having a temperature that will cause the temperature of the wastewater plant influent to exceed 80 degrees centigrade (104 degrees Fahrenheit) or will inhibit biological activity of the wastewater treatment;
  10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW;
  11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed established limits;
  12. Any septic tank pumpings or material taken from cesspools, privies or other sewage treatment systems, unless approved by the superintendent;
  13. Any water or waste which may contain more than 25 parts per million, by weight, of fat, oil or grease;
  14. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
  15. Any trucked or hauled pollutants, except as may be approved by the engineer and at discharge points as may be designated by the city.
- B. When it is determined that a user is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, then the plant operator shall:
1. Advise the user of the impact of the contribution on the POTW; and
  2. Develop effluent limitation for such user to correct the interference with the POTW.

- C. Upon such notification, the user shall develop a pretreatment program and comply with the conditions set forth in this division.

Sec. 03.03.304. Wastewater dischargers.

No person shall discharge any wastewater to any natural outlet within the city or to the POTW except as authorized by the city.

Sec. 03.03.305. Permit required for connection or use.

No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

Sec. 03.03.306. Sand and grease traps.

- A. No person operating a filling station, garage, car wash or similar place having wash or grease racks shall discharge into the wastewater utility unless such place is provided with a sand and grease trap of a size and construction approved by the engineer. Each owner shall submit a detailed drawing and design criteria for the sand and grease trap. The operator of a restaurant or food preparation establishment discharging wastewater containing greater than 25 mg/l of oil and grease or that has a recurrence with grease building or blockage of sewer lines shall immediately install an approved grease trap. All sand and grease traps shall be properly maintained and serviced at the owner's expense.
- B. Records of maintenance and service for the sand and grease trap shall be made available to the city upon request by the sewer superintendent.

Sec. 03.03.307. Construction and materials standards.

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, joining, testing and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specification of A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 03.03.308. Use of old building sewers permitted when.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the sewer superintendent, to meet all requirements of this division.

Sec. 03.03.309. Building sewer—Location.

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 at the user's expense by an approved means and discharged to the building sewer.

Sec. 03.03.310. Same—Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lighted so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the engineer.

Sec. 03.03.311. Same—Connection to system; specifications.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. 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 in writing by the city before installation.

Sec. 03.03.312. Same—Inspection requirements.

The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the city's public works department.

Sec. 03.03.313. Connection to public sewer; when required.

The owner of any house, building or other property used for human occupancy, employment or recreation, which is situated within the city and abuts on any street, alley or right-of-way in which there is located a public sanitary lateral sewer of the city within 200 feet of the property line, shall install suitable toilet facilities therein at the owner's own expense and connect such facilities directly with the proper sewer. The connection shall be made within 90 days after such owner is given official notice to make the connection by the city.

Sec. 03.03.314. Private sewage disposal facilities—restrictions.

It is unlawful to construct or maintain any privy, privy vault, pit privy, septic tank, cesspool or other facility intended or used for the disposal of sewage. Unitized portable toilets are permitted within the city limits but may not be used or placed as permanent toilet facilities. These toilets must be removed promptly upon the completion of the project or event. No owner or lessee of portable toilets shall allow the same to be used without periodic maintenance and flushing.

Sec. 03.03.315. Discharge of unpolluted waters to sanitary sewer prohibited unless approved.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer, except, however, that industrial cooling water or unpolluted water may be discharged into a sanitary sewer upon approval of the sewer superintendent.

Sec. 03.03.316. Connecting downspouts or drains to building sewers prohibited when.

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.

Sec. 03.03.317. Special agreements for sewage treatment.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. Such agreement shall not include the waiver of National Categorical Pretreatment Standards.

Sec. 03.03.318. National Categorical Pretreatment Standards.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division.

Sec. 03.03.319. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those in this division.

Sec. 03.03.320. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in this division.

Sec. 03.03.321. Accidental discharges; notice to employees; control of slug discharges.

- A. Each user with the potential to contribute prohibited substances as outlined herein, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the sewer superintendent for review, and shall be approved by the sewer superintendent before construction of the facility. No user shall introduce industrial wastes into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Within five days following an accidental discharge, the user shall submit to the sewer superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any civil or criminal penalties or other liability which may be imposed by this division or other applicable law.

- C. Each user shall permanently post on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Each user shall advise all employees who may cause or suffer such a dangerous discharge to occur of the emergency notification procedure.
- D. The city may evaluate, at any time, whether each significant industrial user needs a plan to control slug discharges. If the city decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
  - 1. A description of discharge practices, including non-routine batch discharges;
  - 2. A description of stored chemicals;
  - 3. Procedures for immediately notifying the POTW treatment plant of slug discharges, including any discharge that would violate a prohibition in this ordinance; and
  - 4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training and the building of containment structures or equipment.

Sec. 03.03.322. Wastewater classification survey.

- A. All industrial users shall complete and file with the engineer a wastewater classification survey containing the following information prior to discharging into the municipal wastewater system: name and facility address; type of services rendered and products produced; principal raw materials and catalysts used; plant operational characteristics; water use information; wastewater discharge information; wastewater quantities and constituents; wastewater pretreatment; a plot plan of sewers on the user's property showing sewer and pretreatment monitoring facility locations; details of systems to prevent and control the losses of materials through spills to the POTW; and non-discharge wastes and their disposal.
- B. All industrial users obtaining a building permit for initial construction or for building expansion or remodel shall complete and submit the survey to the sewer superintendent for review prior to approval of said building or remodel permit.
- C. All industrial users shall update the wastewater classification survey on file with the sewer superintendent whenever significant changes are made in the wastewater discharge. Significant changes include without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. The sewer superintendent may request a new submittal of the wastewater classification survey as deemed necessary.

Sec. 03.03.323. Industrial discharge permit.

- A. A significant industrial user shall obtain an industrial discharge permit renewable every three years at the initial cost of \$100.00 and a renewal fee of \$50.00 if the user:

1. Is subject to National Categorical Pretreatment Standards; or
  2. Is determined by the engineer to have significant impact, either singly or in combination with other contributing industrial users, on the quality of the wastewater treatment plant's effluent, sludge, scum or residues, or such that interference with the treatment process or facilities would result.
- B. Existing significant industrial users shall apply for a wastewater discharge permit within 60 days after the effective date of the ordinance codified in this division and proposed new significant industrial users shall apply at least 60 days prior to discharging into the wastewater utility. The application shall include a statement regarding whether or not applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or additional pretreatment is required to meet the standards.
- C. The engineer may at any time, and in accordance with 08 CFR 083.8(f)(6), determine that an industrial user meeting the criteria herein is not a significant industrial user if the user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- D. Industrial wastewater permits are subject to all provisions of this division and all other applicable reports, regulations, user charges and fees established by the city. Permits may contain, without limitation, the following:
1. A statement of duration;
  2. A statement of nontransferability;
  3. Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
  4. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
  5. Schedules for installation of pretreatment equipment to bring discharge into compliance with applicable regulations;
  6. Requirements for installation and maintenance of inspection and sampling facilities;
  7. Specifications for monitoring programs that include sampling locations; frequency of sampling; number, type and standards for tests; and reporting schedules;
  8. Requirements for submission of technical reports, discharge reports and compliance progress report;
  9. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city and affording city access thereto;
  10. Requirements for notification of the city to the new introduction of wastewater constituents or any change in character of the wastewater constituents or average volume being introduced into the wastewater utility;

11. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and
  12. Other conditions as deemed necessary by the engineer in order to enforce the provisions of this division.
- E. The engineer shall issue industrial discharge permits for a specified time period not to exceed two years. The industrial user shall apply for permit reissuance at least 30 days prior to the expiration of the user's existing permit. The terms and conditions for the permit may be subject to modification by the engineer during the term of the permit if limitations or requirements are modified, if necessary to meet requirements of the city's NPDES discharge permit to accommodate new or increased contributions of wastewater or changes in the nature of the wastewater, or if there is other good cause. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
  - F. An applicant for a permit shall pay the prescribed fees.
  - G. A wastewater discharge permit may not be sold, traded, assigned, transferred or sublet. Any new significant industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises.

Sec. 03.03.324. Monitoring facilities.

- A. All significant industrial users shall provide and operate, at their expense, monitoring equipment and facilities sufficient to allow inspection, sampling and flow measurements of the private sewer or internal drainage system.
- B. The monitoring facility shall normally be situated outside of the building on the user's premises. If the industrial user's service line ties into an existing city manhole and such manhole allows for safe sampling and isolation of the industrial user's discharge, the sewer superintendent may allow said manhole to serve as the industrial user's monitoring facility.
- C. Any significant industrial user or user discharging prohibited substances or specific pollutants into the POTW shall install a monitoring facility for each separate discharge. Each separate monitoring facility shall meet requirements set forth by the sewer superintendent with safe and independent access for city personnel at all times.
- D. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The industrial user shall maintain and operate its own monitoring facility and all sampling and measuring equipment at all times in a safe and proper operating condition at the industrial user's expense.
- E. Whether constructed on public or private property, the industrial user shall construct the sampling and monitoring equipment and facilities in accordance with monitoring requirements and all applicable local construction standards and specifications within

60 days following written notification by the sewer superintendent or before final building inspection approval.

- F. All industrial users shall provide safe access to sampling and monitoring sites and pretreatment facilities at all times for authorized city personnel.
- G. The city may inspect the facilities of any industrial user to determine whether the intent of this division and all applicable requirements are being met. Owners, employees or occupants of premises where wastewater is discharged shall allow city representatives or agents ready access at all reasonable times to all parts of the premises where wastewater is created or discharged, including industrial process areas, for the purpose of inspection, sampling, records examination and copying, or performance evaluation. Where an industrial user has security measures in force which require proper identification and clearance before entry into industrial user's premises, the industrial user shall make necessary arrangements with the security personnel so that upon presentation of suitable identification, personnel authorized by the city, the state, or United States Environmental Protection Agency will be permitted to enter without delay for the purpose of performing their specific responsibilities under this article.

Sec. 03.03.325. Sampling, analysis and inspection.

- A. All industrial users shall obtain the sewer superintendent's approval for all sampling and measuring equipment prior to its installation or use. All measuring, test and analyses and all sampling that the industrial user is required to make shall be done at the user's own expense.
- B. All industrial users shall make all measurements, tests, sampling and analyses required by this division in accordance with the techniques prescribed in 08 CFR 136 and amendments thereto. The sewer superintendent may direct an industrial user to deliver a split sample to a designated laboratory for analytical verification.
- C. The sewer superintendent shall determine the frequency of sampling, measuring and analyses and include them as conditions of the user's industrial discharge permit. The engineer may impose mass limitations on industrial users that use flow equalization to meet applicable standards or requirements or in other cases where imposition of mass limitations are appropriate.
- D. The city may place upon the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.
- E. Sampling and analysis may be performed by the city in lieu of the industrial user. Where the city itself collects all the information required for the report, the industrial user may be excused from submitting duplicate test data results.
- F. The city may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by the industrial users, occasional and continuing noncompliance with pretreatment standards.
- G. The city shall inspect and sample the effluent from each significant industrial user at least once a year.

Sec. 03.03.326. Reporting and compliance requirements.

- A. All significant industrial users required to meet categorical pretreatment standards must submit the reports required in 08 CFR 083.12. All reports shall be based on sampling and analysis performed during the period covered by the report, and performed in accordance with the techniques described in 08 CFR part 136 and amendments thereto. All reports shall be signed by an authorized representative of the industrial user and certified by a qualified professional. All industrial users that have permits or that have the potential to discharge prohibited substances or specific pollutants that may cause a significant impact on the POTW shall submit to the sewer superintendent semiannual compliance reports at the times designated on the permit, and containing information and data as required by the permit, including but not limited to the following:
1. The name and address of the industrial user including the name of the operator and owners;
  2. Any environmental control permits held by or for the industrial user;
  3. A brief description of the nature and average rate of production by the industrial user;
  4. A brief description of the Standard Industrial Classification of the operation carried out by the industrial user;
  5. Building plans or details that indicate all points of discharge to the city sewer system from the regulated process;
  6. The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
    - a. Regulated process streams; and
    - b. Other streams as necessary to allow use of the combined waste stream formula of 08 CFR 083.6(e). All flows shall be measured unless cost or feasibility justify allowing a verifiable estimate of the flow;
  7. Nature and concentration of pollutants or materials prohibited in the discharge;
  8. A statement indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the requirements; and
  9. If additional pretreatment and/or operation and maintenance will be required to meet the requirements, the industrial user shall supply the shortest schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance.
- B. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violation of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  2. Technical review criteria (TRC) violation, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
  3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the engineer determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
  4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
  5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
  6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  7. Failure to accurately report noncompliance; and
  8. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.
- C. The city may publish an annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements.
- D. All industrial users shall notify the POTW, EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 08 CFR part 261. Such notification shall be conducted in accordance with the provisions of 08 CFR 083.12(p).
- E. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 08 CFR 083.12(p).

- F. Any industrial user submitting information to the city pursuant to this division may claim it to be confidential if it demonstrates to the satisfaction of the sewer superintendent that release of such information would divulge information processes, or methods of production entitled to protection as the user's trade secrets.
  - 1. The user must assert such claim at the time of submission by stamping the words "confidential business information" on each page containing such information. If no such claim is made at the time of submission, the city may make information available to the public without further notice.
  - 2. Such confidential business information shall not be made available to the public, but the city may use the information for determining compliance with this division.
  - 3. Effluent or discharge data is not confidential.
  - 4. The city may provide confidential business information to governmental agencies upon written request for uses directly related to enforcement of this division, but, the city shall not transmit the confidential information to any government agency until the city has received written approval from the user.
- G. No person shall make any false statement, representation or certification, knowing it to be false, in any application, record, plan, data or document filed or required to be maintained pursuant to this division.
- H. No person shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this division.
- I. The sewer superintendent shall have access to records and wastewater testing facilities during normal working hours of the user.

Sec. 03.03.327. Affirmative defenses.

- A. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general and specific prohibitions established herein where the user can demonstrate that:
  - 1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and
  - 2. A local limit designed to prevent pass-through and/or interference, as the case may be, was developed by the city for each pollutant in the industrial user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or
  - 3. If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant that caused the pass-through or interference, the industrial user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the POTW was regularly in

compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

#### Sec. 03.03.328. Upsets

- A. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  1. An upset occurred and the industrial user can identify the cause of the upset;
  2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
  3. The industrial user has submitted the following information to the POTW treatment plant and the city within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
    - a. A description of the indirect discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
    - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- B. In any enforcement proceeding, the industrial user seeking to establish an affirmative defense for the occurrence of an upset shall have the burden of proof.

#### Sec. 03.03.329. Bypass.

- A. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections B and C of this section.
- B. The industrial user shall provide notice of bypass, to the city, as follows:
  1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW treatment plant, if possible at least ten days before the date of the bypass.
  2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW treatment plant within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- C. Bypass is prohibited, and the city may take enforcement action against an industrial user for bypass, unless:
  - 1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
  - 2. There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - 3. The industrial user submitted notices as required under subsection B of this section.
- D. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in subsection C of this section.

Sec. 03.03.330. Suspension and revocation of permit.

- A. The engineer may suspend or revoke any industrial discharge permit and terminate the wastewater service if the permittee:
  - 1. Discharges wastewater which presents imminent or substantial endangerment to the environment and/or public health, safety and welfare;
  - 2. Discharges wastewater which causes interference with the POTW or causes the city to violate any conditions of its NPDES permit;
  - 3. Violates any condition stated in the permit or provisions of this division;
  - 4. Fails to report an accidental discharge of a toxic substance;
  - 5. Increases the use of process water or attempts to dilute the discharge for the sole purpose of achieving compliance with any limitations;
  - 6. Falsifies any report of the wastewater constituents and characteristics;
  - 7. Tampers with, disrupts or damages monitoring and sampling equipment or facilities;
  - 8. Refuses reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or
  - 9. Fails to pay fees or charges.
- B. In the event of any violation of this division, the sewer superintendent shall revoke the industrial discharge permit for the remainder of its term or suspend it for a shorter

period based on the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied if at all.

- C. No user will be permitted to discharge into the POTW any wastewater which is in violation of this division. Any user may have their wastewater service suspended or terminated by the sewer superintendent.
- D. Any person notified of a revocation or suspension of such person's wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the suspension order, the city shall sever the sewer connection or take such steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the sewer superintendent within 15 days of the date of occurrence.
- E. Any user, whose permit is revoked or suspended, may request a hearing before the city commission to show cause why the proposed enforcement action should not have been taken.
  - 1. The city commission will cause the user to be notified of the time and place set for the hearing. Notice will be served personally or by registered or certified mail at least ten days prior to the hearing.
  - 2. The city commission or its designated representative will conduct the hearing by accepting testimony and evidence relevant to the matter involved in the hearing. Testimony shall be taken under oath and transcribed so that it may be made available to any party at the hearing or the public.
  - 3. The city commission will, within ten days after the hearing, issue its final determination to the user.
- F. The user shall pay all costs and expenses associated with any such suspension and restoration of service.

Sec. 03.03.331. Nuisance; injunctive relief available; liability.

- A. Any discharge into the POTW in violation of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, is declared to be a nuisance.
- B. If any person discharges into the POTW in violation of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, the city attorney may, in addition to any other remedies, commence an action for equitable or legal relief, or both, including a petition in a court of competent jurisdiction for a temporary restraining order, and preliminary and permanent injunctions to prohibit the continuation of any violation of this division.

- C. Any person who violates any provision of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be liable for any loss, damage or expense to the city or others arising out of, resulting from or occurring in connection with said violation, including but not limited to injury to or death of any person, damage to property, enforcement of this division, attorneys' fees or increased costs for managing effluent, sludge or operating POTW.
- D. Any person who discharges into the POTW in violation of any provision of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be liable for any expense arising out of, resulting from or occurring in connection with said discharge if the city is found to violate any condition of its NPDES permit, including but not limited to fines assessed against the city, enforcement of this division, attorney's fees, sampling or analytical testing.

Sec. 03.03.332. Criminal penalties.

Any person who purposely, knowingly or negligently violates any provision of this division, or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than six months, or both.

Sec. 03.03.333. Civil penalties.

Any person who violates any provision of this division, or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be subject to a civil penalty in an amount of not less than \$200.00 or more than \$500.00 for each violation, and a separate violation shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 03.03.334-03.03.399. Reserved.

**DIVISION 4. SEWER SERVICE OUTSIDE CITY**

Sec. 03.03.400. Applicability of division and plumbing code.

Sec. 03.03.410. Application for permission to connect.

Sec. 03.03.420. Extension of service.

Sec. 03.03.430. Consent to annexation; design specifications applicable.

Sec. 03.03.440. Sewer connection charge.

Sec. 03.03.450. Line extensions; costs borne by property owners.

Sec. 03.03.460. Rates, charges and rentals.

Secs. 03.03.470-03.03.499. Reserved.

Sec. 03.03.400. Applicability of division and plumbing code.

Any person owning or leasing property outside the corporate limits of the city now connected with the system of sanitary sewers shall be subject to the provisions of this division. As a condition and a prerequisite for the continuing use of the sanitary sewerage system, the plumbing inspector may, upon demand, inspect the plumbing on such property and require the owner or occupant to comply with the latest plumbing code. The plumbing upon any property which is to be connected with the city sewerage system shall comply with the plumbing code.

Sec. 03.03.410. Application for permission to connect.

Application for permission to connect with the sanitary sewerage system shall be made in writing to the city manager. The owner or lessee of such property shall make application to connect as provided, obtain a plumbing permit from the plumbing inspector, and pay the inspection fee required by the plumbing code.

Sec. 03.03.420. Extension of service; sole discretion of commission.

It shall be in the sole, exclusive discretion of the commission as to the application of this ordinance and such extension may be denied to the applicant.

Sec. 03.03.430. Consent to annexation; design specifications applicable.

- A. Any person, firm or corporation requesting water and/or sewer service outside of the incorporated limits of the city shall be required, as a condition precedent to the extension of such service, to execute and deliver to the city a written consent of annexation of the property to be served by the water and/or sewer facilities.
- B. All extensions of water and/or sewer lines outside the city limits shall be constructed in accordance with the design and specifications approved by the city engineer prior to the installation of the water and/or sewer lines.

Sec. 03.03.440. Sewer connection charge.

A charge based on actual cost shall be made for each connection to any lateral of the city sewerage system to serve property located outside the city limits. The charge established by this section shall apply to each dwelling or building connected with a sewer lateral.

Sec. 03.03.450. Line extensions; costs borne by property owners.

The cost of water and/or sewer line extensions outside the city limits shall be borne by the owners of the property to be served, who shall also pay all water and sewer assessments and rates.

Sec. 03.03.460. Rates, charges and rentals.

The sanitary sewerage disposal rates, charges and rentals shall be charged by the city and paid monthly for all premises outside the city limits which are now or hereafter connected with the sewerage system of the city sanitary sewerage disposal, based upon the total consumption of water used during the months of November, December, January and February on the respective premises. The rate shall be computed in the same manner as for city residents, and where the character of the waste exceeds the limitations imposed by the ordinances of the city, the surcharges shall be based on a formula used by the city with the determination of the charge made by the city manager.

Secs. 03.03.470-03.03.499. Reserved.

## **DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES**

Sec. 03.03.500. Persons liable for sewerage rates, charges and rentals.  
Sec. 03.03.501. Operation and maintenance costs designated; determination.  
Sec. 03.03.502. Determining a surcharge for users with excess BOD and SS.  
Sec. 03.03.503. Determining each user's wastewater service charges.  
Sec. 03.03.504. Notification of wastewater treatment rate.  
Sec. 03.03.505. Billing of charges in accordance with the Schedule of Fees.  
Sec. 03.03.506. Sewer connections; deferred payments authorized when.  
Sec. 03.03.507. Payment of sewerage charge; status of debt.  
Sec. 03.03.508. Extra-strength surcharge; computation of rates.  
Secs. 03.03.509-03.03.599. Reserved.

Sec. 03.03.500. Persons liable for sewerage rates, charges and rentals.

The rates, charges and rentals for sewage disposal service provided by the sewerage system of the city shall be imposed upon the parties and properties which are connected thereto for sanitary sewerage disposal.

Sec. 03.03.501. Operation and maintenance costs designated; determination.

The city manager 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.

Sec. 05.03.502. Determining a surcharge for users with excess BOD and SS.

The city will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The city will assess a surcharge rate for all users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users' above-normal BOD and 250 ppm SS. The surcharge rate structure for such above-normal-strength waste discharges is on file in the office of the city clerk.

Sec. 03.03.503. Determining each user's wastewater service charges.

Each user's wastewater treatment cost contribution as determined 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 upon an estimate of the total wastewater contribution of this class of user. The city manager may classify industrial, commercial and other nonresidential establishments as equivalent to the wastes from the average residential user with respect to volume, suspended solids, and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule which is on file in the office of the city clerk.

Sec. 03.03.504. Notification of wastewater treatment rate.

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.

Sec. 03.03.505. Billing of charges in accordance with the Schedule of Fees.

The city shall charge for such wastewater treatment service to the user as is established by the Schedule of Charges and Fees of the City of Polson.

Sec. 03.03.506. Sewer connections; deferred payments authorized when.

Pursuant to the provisions of MCA 7-3-4443, it is provided that whenever any sewer connection shall be made voluntarily, or ordered to be made by the director of public service, and the person so voluntarily making such connection or making it pursuant to such order shall, within 30 days after such connection is completed, request in writing filed with the city clerk that the cost thereof be divided into not more than eight equal annual payments with interest on the deferred payments at not to exceed six percent per year, the director of administrative services shall make the appropriate entry on the director's books of account, and the assessment shall be certified and collected as are other assessments for street improvements.

Sec. 03.03.507. Payment of sewerage charge; status of debt.

- A. The sewerage charges for each premises shall be personal or corporate obligations of the same parties who are obligated for payment of city water bills for such premises, according to the ordinances and regulations respecting the city water utility. It is the duty of the water department of the city to prepare, issue and mail, as near as may be to the first day of each calendar month, a statement of the sewerage charge for each user of the sewerage utility. In all cases, the sewerage charges shall appear as a surcharge, separately stated, upon the water bill as rendered. Each such charge shall be due and payable at the time and place as the water bill on which it is shown, and no payment shall be accepted by the city, or any of its officers or employees, of a water bill without concurrent payment of the sewerage charge; and all of the penalties, including the shutting off of the customer's water supply, shall be applied in each case of nonpayment of the sewerage charge in like manner as for nonpayment of the water charge.
- B. Each user of the sewerage utility shall be deemed to have contracted and agreed to pay the sewerage charges hereby imposed, and such charges may be collected by actions at law whenever the same are more than 30 days overdue and shall bear interest at the highest rate allowed by law for contract indebtedness from and after the 15th day of the month in which the charge becomes due and payable.
- C. To the full extent now or hereafter permitted by law, overdue sewerage charges shall constitute a lien upon, and enforceable against, the real estate constituting the premises which was the user of the sewerage utility for which the charges were imposed. No subsequent owner or occupant of any premises for which any sewerage charge is overdue shall be entitled to water or sewerage service until the overdue charge is paid, notwithstanding that such subsequent owner or occupant may not have been personally obligated thereof.

Sec. 03.03.508. Extra-strength surcharge; computation of rates.

Customers contributing wastewater with strength concentration in excess of normal allowable limits of 250 milligrams per liter of BOD, 250 milligrams per liter of suspended solids, and five milligrams per liter of phosphorus shall be subject to an extra strength surcharge, in addition to the regular service charge computed in accordance with the current rate structure.

Secs. 03.03.509-03.03.599. Reserved.