

**RULES AND REGULATIONS**

**GOVERNING**

**WATER AND WASTEWATER**

**SERVICE**

**PUBLIC WORKS DEPARTMENT**  
**CITY OF BILLINGS, MONTANA**

2224 Montana Avenue  
(406) 657-8230

**June 2017**



# **CITY OF BILLINGS, MONTANA**

## OFFICIAL ROSTER

### **MAYOR**

THOMAS HANEL

### **COUNCIL MEMBERS**

BRENT CROMLEY  
ANGELA CIMMINO  
RICHARD MCFADDEN  
RYAN SULLIVAN  
RICHARD CLARK

MIKE YAKAWICH  
LARRY BREWSTER  
CHRIS FRIEDEL  
AL SWANSON  
SHAUN BROWN

### **CITY ADMINISTRATOR**

CHRISTINA VOLEK

### **PUBLIC WORKS DIRECTOR**

DAVID D. MUMFORD, P.E.

### **PUBLIC WORKS BOARD**

TRAVIS JONES  
ROD WILSON  
DAVID WAZENRIED

TOM LLEWELLYN  
BILL ENRIGHT



# TABLE OF CONTENTS

*Note: Only even number chapters are included to allow space for future additions to this document.*

## **Chapter 2 - Definitions**

2-1	Definitions.....	2-1
2-2	Abbreviations.....	2-11

## **Chapter 4 - General**

4-1	Authority .....	4-1
4-2	Intent and Purpose .....	4-1
4-3	Jurisdiction .....	4-1
4-4	Application.....	4-1
4-5	Noncompliance.....	4-1
4-6	Review of Administrative Actions.....	4-2
4-7	Owner's Duty to Use Municipal Water/Wastewater Facilities .....	4-2
4-8	When Private Systems May Be Used.....	4-2
4-9	Access to Customer's Premise.....	4-2
4-10	Permit Required For Connection, Extension, or Use .....	4-2
4-11	Unauthorized Acts .....	4-3
4-12	Unpolluted Drainage - Storm Sewers .....	4-3
4-13	Miscellaneous Devices .....	4-3
4-14	Condition of Service .....	4-3
4-15	Interruptions of Service.....	4-3
4-16	Liability of Utility.....	4-4

## **Chapter 6 - Initiation and Discontinuance of Service**

6-1	Written Service Application Required .....	6-1
6-2	Service Application Provisions .....	6-1
6-3	Service Applicants.....	6-1
6-4	Information to be Provided .....	6-1
6-5	Service Application Prerequisites .....	6-1
6-6	Transfer of Service Account .....	6-2
6-7	Discontinuance of Service By Customer .....	6-2
6-8	Discontinuance of Service by Utility.....	6-2

## **Chapter 8 - Turn On and Turn Off of Service**

8-1	General.....	8-1
8-2	Operation of Curb Valves .....	8-1
8-3	Inspection of Meters and Appurtenances Required.....	8-1
8-4	Turn-off For Nonpayment and/or Noncompliance .....	8-1
8-5	Turn-on and Turn-off Liability Disclaimer.....	8-1
8-6	Landlord Agreement.....	8-1

## Chapter 10 - Deposits

10-1	When Required and Amount of Deposit .....	10-1
10-2	Application of Deposits .....	10-1
10-3	Transfer of Deposits .....	10-1
10-4	Failure to Make Deposits .....	10-1
10-5	Refund of Deposits .....	10-1
10-6	Record of Deposits .....	10-1
10-7	Receipt of Deposits .....	10-1

## Chapter 12 - Temporary, Construction and Sprinkling Service

12-1	Temporary Water/Wastewater Service .....	12-1
12-2	Construction Water Permit Required .....	12-1
12-3	Service for Building Construction .....	12-1
12-4	Service for Public Works Construction .....	12-1
12-5	Sprinkling Meter Service.....	12-2
12-6	Water Service Level During Public Works Department Projects and Emergencies .....	12-2

## Chapter 14 - Billing

14-1	Billing Period .....	14-1
14-2	Bills Due .....	14-1
14-3	Information on Bills .....	14-1
14-4	Combined Charges.....	14-1
14-5	Bills for Wastewater Services Only .....	14-1
14-6	Refusal of Service .....	14-2
14-7	Multiple Owners/Occupants.....	14-2
14-8	Payment Transfers .....	14-2
14-9	Estimates.....	14-2
14-10	Adjustment of Wastewater Bills .....	14-2
14-11	Budget Billing .....	14-3

## Chapter 16 - Rates, Charges, and Fees

16-1	General.....	16-1
16-2	Monthly Metered Water Charges.....	16-1
16-3	Minimum Monthly Water Charges .....	16-1
16-4	Public and Private Fire Protection Charges.....	16-2
16-5	Charge for Reestablishment of Water/Wastewater Service.....	16-2
16-6	Monthly Volume Wastewater Charges .....	16-2
16-7	Minimum Monthly Wastewater Charges .....	16-3
16-8	Wastewater Extra Strength Charges .....	16-3
16-9	Miscellaneous Water/Wastewater Fees and Charges .....	16-4
16-10	Water/Wastewater System Development Fees .....	16-7
16-11	City Franchise Fees.....	16-7
16-12	State Fees .....	16-7
16-13	Charges for Miscellaneous Work/Service.....	16-7
16-14	Late Payment Interest Charge.....	16-8

16-15	Water Service Line Program Fee .....	16-8
-------	--------------------------------------	------

## **Chapter 18 - Metering**

18-1	General.....	18-1
18-2	Meters for Nonusers of Municipal Water Supply System.....	18-1
18-3	Utility's Responsibility .....	18-1
18-4	Customer's Responsibility .....	18-2
18-5	Inside Metering Facilities .....	18-2
18-6	Outside Metering Facilities .....	18-3
18-7	Use of Inside/Outside Meeting Facilities.....	18-4
18-8	Permanent and Temporary Meter Installations.....	18-4
18-9	Sub Meters .....	18-4
18-10	Standard Meter Information.....	18-4
18-11	Single Meter Per Service Line .....	18-4
18-12	Interconnected Water Service Lines.....	18-5
18-13	Special Meter Accuracy Tests .....	18-5
18-14	Replacement of Meters .....	18-5
18-15	Standard of Meter Accuracy .....	18-5
18-16	Non-Registering Meter .....	18-5
18-17	Testing and Repairing Meters .....	18-5
18-18	Damaged Meters and Equipment.....	18-5
18-19	Prohibited Taps/Connections .....	18-6
18-20	Meter Tampering/Bypassing.....	18-6
18-21	Relocation of Meters.....	18-6
18-22	Maintenance of Outside Meter Boxes/Vaults.....	18-6
18-23	Fire Hydrant Meters.....	18-6
18-24	Secondary Wastewater Meters .....	18-8
18-25	Sprinkling Meters.....	18-8
18-26	Deduct Meter.....	18-9

## **Chapter 20 - Use of Water Service**

20-1	Waste of Water.....	20-1
20-2	Cross Connections .....	20-1
20-3	Resale of Water.....	20-1
20-4	Water Use Restrictions.....	20-1
20-5	Unlawful Sprinkling of Lawns and Gardens .....	20-1

## **Chapter 22 - Use of Wastewater Service**

22-1	Discharging Certain Matter Into Sewers Prohibited.....	22-1
22-2	Grease, Oil, and Sand Interceptors .....	22-4
22-3	Grease Traps .....	22-4
22-4	Maintenance of Interceptors and Grease Traps .....	22-5
22-5	Approval Required For Discharge of Certain Waters and Wastes...	22-5
22-6	Preliminary Treatment Facilities .....	22-5
22-7	Maintenance of Preliminary Treatment Facilities .....	22-5
22-8	Control Manholes .....	22-6
22-9	Wastewater Testing and Analyses .....	22-6

## **Chapter 24 - Pretreatment of Industrial Wastes**

24-1	Methodology .....	24-1
24-2	Administrative Actions .....	24-1
24-3	Pre-emption by National Categorical Pretreatment Standards .....	24-1
24-4	Modification of National Categorical Pretreatment Standards .....	24-1
24-5	State Requirements .....	24-2
24-6	City's Right of Revision .....	24-2
24-7	Industrial Discharge Permits .....	24-2
24-8	Reporting Requirements .....	24-4
24-9	Publication of Violators Listing .....	24-5
24-10	Availability of Records .....	24-5
24-11	Notification of Violation .....	24-5

## **Chapter 26 - Water Service Area**

26-1	Intent and Purpose .....	26-1
26-2	The Water_Service Area .....	26-1
26-3	Prohibited Act .....	26-1
26-4	Annexation Requirements .....	26-1
26-5	Enlargement Application .....	26-2
26-6	Prerequisites to Application .....	26-2
26-7	Application Reviews and Recommendations .....	26-2
26-8	Public Hearing .....	26-3
26-9	City Council Action .....	26-4

## **Chapter 28 - Wastewater Service Area**

28-1	Intent and Purpose .....	28-1
28-2	The Wastewater Service Area .....	28-1
28-3	Prohibited Act .....	28-1
28-4	Annexation Requirements .....	28-1
28-5	Enlargement Application .....	28-2
28-6	Prerequisites to Application .....	28-2
28-7	Application Reviews and Recommendations .....	28-3
28-8	Public Hearing .....	28-3
28-9	City Council Action .....	28-4

## **Chapter 30 - Water Extensions**

30-1	Intent and Purpose .....	30-1
30-2	Prohibited Act .....	30-1
30-3	Application and Fee .....	30-1
30-4	Water Service Area .....	30-1
30-5	Approval of Extensions .....	30-2
30-6	Sanitary Sewer District Waivers .....	30-2
30-7	Annexation Requirements .....	30-2
30-8	Water Charges and Regulations .....	30-2



30-9	Water System Fees and Charges.....	30-2
30-10	Introduction of Municipal Water Service Applications .....	30-3
30-11	Methods and Financing of Extension.....	30-3
30-12	Ownership of Extensions.....	30-3
30-13	Maintenance of Extensions .....	30-4
30-14	Water Service Lines and Firelines.....	30-4
30-15	Fire Hydrants, Valves, and Other Appurtenances .....	30-4
30-16	Rights-of-Way, Licenses, and Permits.....	30-5
30-17	Facility Plan and Current Capital Improvement Plan (CIP).....	30-5
30-18	Extensions Outside Corporate City Limits .....	30-6
30-19	County Water District of Billings Heights .....	30-6
30-20	Subdivision Extensions.....	30-6
30-21	Individual Extensions.....	30-6
30-22	Oversize Extensions.....	30-7
30-23	Staged Construction of Extensions.....	30-8
30-24	Excavations .....	30-8
30-25	Traffic Control and Construction Signing .....	30-8
30-26	Professional Engineer .....	30-9
30-27	Contract Plans and Specifications.....	30-9
30-28	Design Standards.....	30-9
30-29	Materials and Methods of Construction .....	30-9
30-30	Construction and Final Inspection .....	30-10
30-31	Minimum Size, Capacity and Spacing Criteria.....	30-10
30-32	Depth of Water Mains and Appurtenances.....	30-12
30-33	Standard Utility Location.....	30-12
30-34	Point of Connection of Extensions.....	30-12
30-35	Connection to Water Supply System .....	30-12
30-36	Project Notices and Other Correspondence .....	30-13
30-37	Testing, Flushing, and Disinfecting Extensions .....	30-13
30-38	Record Drawings .....	30-14
30-39	Acceptance of Extensions by City .....	30-14
30-40	Construction Contractor Registration Required .....	30-15
30-41	Warranty and Guarantee .....	30-15
30-42	Operating Existing Valves, Hydrants, and Appurtenances .....	30-15
30-43	Interruptions of Water Service .....	30-15
30-44	Public Works Department Fees and Charges .....	30-16
30-45	Damages to Water Supply System.....	30-16

## Chapter 32 - Wastewater Extensions

32-1	Intent and Purpose .....	32-1
32-2	Prohibited Act .....	32-1
32-3	Applications and Fee.....	32-1
32-4	Wastewater Service Area .....	32-1
32-5	Approval of Extensions.....	32-2
32-6	Water System District Waivers .....	32-2
32-7	Annexation Requirements .....	32-2
32-8	Wastewater Charges and Regulations .....	32-2
32-9	Wastewater System Construction Fees and Charges .....	32-2
32-10	Introduction of Municipal Wastewater Service Applications.....	32-3

32-11	Methods of Financing of Extensions.....	32-3
32-12	Ownership of Extensions.....	32-3
32-13	Maintenance of Extensions .....	32-4
32-14	Wastewater Service Lines .....	32-4
32-15	Manholes, Wastewater Pumping Stations, Force Mains, and ..... other Appurtenances	32-4
32-16	Rights-of-Way, Licenses, and Permits.....	32-5
32-17	Facility Plan and Current Capital Improvement Plan (CIP).....	32-5
32-18	Extensions Outside Corporate City Limits .....	32-6
32-19	Subdivision Extensions.....	32-6
32-20	Individual Extensions.....	32-6
32-21	Oversizing Extensions.....	32-6
32-22	Staged Construction of Extensions.....	32-7
32-23	Excavations .....	32-7
32-24	Traffic Control and Construction Signing .....	32-8
32-25	Professional Engineer .....	32-8
32-26	Contract Plans and Specifications.....	32-8
32-27	Design Standards.....	32-9
32-28	Materials and Methods of Construction .....	32-9
32-29	Construction and Final Inspection .....	32-9
32-30	Minimum Capacity, Size, Arrangement, and Spacing Criteria .....	32-9
32-31	Depth of Public Sanitary Sewers and Appurtenances .....	32-11
32-32	Standard Utility Location.....	32-11
32-33	Point of Connection of Extension .....	32-11
32-34	Project Notices and Other Correspondence .....	32-11
32-35	Testing and Inspection of Extensions.....	32-12
32-36	Record Drawings.....	32-12
32-37	Acceptance of Extensions by City .....	32-13
32-38	Construction Contractor Registration Required.....	32-13
32-39	Warranty and Guarantee .....	32-13
32-40	Protection of Existing Wastewater System .....	32-13
32-41	Interruptions of Wastewater Service.....	32-14
32-42	Public Works Department Fees and Charges .....	32-14
32-43	Damages to Wastewater System .....	32-14
32-44	Coordination With City Engineer .....	32-14

## **Chapter 34 - Water Service Lines and Firelines**

34-1	Permit Required .....	34-1
34-2	Classes of Permits.....	34-1
34-3	Applications and Fees .....	34-2
34-4	Water Connection, Construction, and Development Charges .....	34-2
34-5	Bond and Liability Insurance .....	34-2
34-6	Guarantee .....	34-2
34-7	Prohibited Connections .....	34-3
34-8	Installation, Ownership, and Maintenance.....	34-3
34-9	Excavations .....	34-4
34-10	Traffic Control and Construction Signing .....	34-4
34-11	Arrangement and Location .....	34-4
34-12	Multiple Building Service Agreements .....	34-5

34-13	Abandoned Water Service Lines .....	34-5
34-14	Length and Minimum Diameter .....	34-5
34-15	Depth.....	34-6
34-16	Materials and Methods of Construction .....	34-6
34-17	Curb Valve.....	34-6
34-18	Point of Connection to Public Water Main .....	34-6
34-19	Connections to Public Water Mains.....	34-6
34-20	Inspection and Tapping Notification.....	34-7
34-21	Metering .....	34-7
34-22	Damage to Public Water Mains .....	34-7
34-23	Water Service Line Stub-Outs .....	34-8
34-24	Protective Devices.....	34-8
34-25	Plumbing Code.....	34-8
34-26	Firelines.....	34-9
34-27	Flushing, Disinfecting and Testing.....	34-9
34-28	Water Service Line Repair Program .....	34-9

### **Chapter 36 - Wastewater Service Lines and Connections**

36-1	Permit Required .....	36-1
36-2	Classes of Permits.....	36-1
36-3	Applications and Fees .....	36-2
36-4	Sewer Connection, Construction, and Development Charges.....	36-2
36-5	Bond and Liability Insurance .....	36-2
36-6	Guarantee .....	36-2
36-7	Prohibited Connections .....	36-3
36-8	Installation, Ownership and Maintenance.....	36-3
36-9	Excavations .....	36-3
36-10	Traffic Control and Construction Signing .....	36-4
36-11	Arrangement and Location .....	36-4
36-12	Multiple Building Service Agreements .....	36-4
36-13	Abandoned Sewers .....	36-5
36-14	Size and Slope .....	36-5
36-15	Depth.....	36-5
36-16	Materials and Methods of Construction .....	36-5
36-17	Point of Connection to Public Sanitary Sewer .....	36-6
36-18	Inspection Notification .....	36-6
36-19	Damage to Public Sanitary Sewer .....	36-6
36-20	Keeping Sewers Clean .....	36-6
36-21	Wastewater Service Line Stub-outs.....	36-7
36-22	Plumbing Code.....	36-7

### **Chapter 38 – Trucked and Hauled Waste Septage**

38-1	Prohibited Discharge .....	38-1
38-2	Authorized Discharge Locations.....	38-1
38-3	Allowable Wastes .....	38-1
38-4	Permit Required .....	38-1
38-5	Application and Permit Fee .....	38-2
38-6	Receiving Tickets .....	38-2

38-7	Supervision of Discharging.....	38-2
38-8	Inadmissible Wastes.....	38-2
38-9	Sampling and Testing of Septage .....	38-3

**Chapter 40 - Fire Hydrants**

40-1	Public Fire Hydrants .....	40-1
40-2	Operation of Public Fire Hydrants .....	40-1
40-3	Installation of Blow-off Hydrants .....	40-1
40-4	Relocation of Public Fire Hydrants .....	40-1
40-5	Obstructing Public Fire Hydrants.....	40-1
40-6	Damages to Public Fire Hydrants.....	40-2
40-7	Painting of Public Fire Hydrants .....	40-2
40-8	Private Fire Hydrants.....	40-2
40-9	Flushing.....	40-2

**Chapter 42 - Utility's Records and Accounting System**

42-1	General.....	42-1
------	--------------	------

**Chapter 44 - Annual Reports**

44-1	General.....	44-1
------	--------------	------

## CHAPTER 2 – DEFINITIONS

### 2-1. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of the terms used in these rules and regulations shall be as follows:

- (1) "Act" or "The Act" means the Federal Water Pollution Control Act, Public Law 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, Public Law 95-217, 33 U.S.C. Section 466, et. seq., and as subsequently amended.
- (2) "Approval Authority" means the regional administrator of the EPA.
- (3) "Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade (20°C), expressed in terms of weight and concentration (milligrams per liter).
- (4) "Building Sewer" means the privately-owned extension of the building drain to the public sanitary sewer or other place of disposal.
- (5) "Bypassing" means any act, using any means, the purpose of which is to obtain municipal water/wastewater service without having such service pass through the meter that is provided for measuring or registering such service.
- (6) "City" or "City of Billings" means the City of Billings in the County of Yellowstone and State of Montana.
- (7) "City Administrator" means the city administrator of the City of Billings.
- (8) "City Attorney" means the city attorney of the City of Billings.
- (9) "City Clerk" means the city clerk of the City of Billings.
- (10) "City Council" means the city council of the City of Billings.
- (11) "City Engineer" means the city engineer of the City of Billings.
- (12) "City Finance Director" means the city finance director of the City of Billings.
- (13) "Cooling Water" means the water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.

- (14) "County" or "Yellowstone County" means the county of Yellowstone in the state of Montana.
- (15) "County Clerk and Recorder" means the county clerk and recorder of Yellowstone County.
- (16) "County Commissioners" means the county commissioners of Yellowstone County.
- (17) "Customer" means any person receiving municipal water/wastewater service either directly or indirectly from the municipal water supply system/municipal wastewater system.
- (18) "Deduct Meter" means the instrument employed to measure the amount of water used for irrigation purposes only. The deduct meter is located downstream of the master water meter and is used to calculate the charges for domestic water, sewer, and irrigation services by subtracting its registered usage from the master meter.
- (19) "Discharge" is the direct or indirect introduction of treated or untreated wastewater into the waters of the State of Montana, either through the municipal wastewater system and municipal wastewater treatment plant or through a point source into state waters.
- (20) "Distribution/Collection Main" means a public water or wastewater main having a diameter equal to or less than 12 inches.
- (21) "Domestic User" means any user who discharges primarily segregated domestic wastes into a public sanitary sewer.
- (22) "Domestic Wastes" or "Sanitary Wastes" means liquid wastes (a) from the noncommercial preparation, cooking, and handling of food or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- (23) "Environmental Protection Agency", or "EPA," means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of EPA.
- (24) "Extension" means the act or process of extending, adding to, or enlarging the municipal water supply system/municipal wastewater system on the City's side of the point of delivery/point of connection to provide municipal water/wastewater service to a prospective customer or group of prospective customers.
- (25) "Fire Hydrant Meter" means the meter is owned by the municipal water/wastewater utility and is used to measure the amount of water delivered to a customer through a fire hydrant.
- (26) "Fireline" means all service pipes, curb stops and/or valves, curb boxes and/or valve boxes, backflow prevention devices, check valves, inside piping, fittings, fixtures, and any other apparatus on customers' side of the point of delivery that is used for, and

limited to, the providing of water to customers for fire suppression activities.

- (27) "Garbage" means solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- (28) "General Benefit Facilities" means municipal water/wastewater system facilities that benefit all or a large number of customers, and/or that provide service to large areas. Typical general benefit facilities include, but are not limited to water lines larger than twelve (12) inches in diameter for commercial and/or industrial service areas and water lines larger than eight (8) inches in diameter for residential service areas or as determined by the City Engineer to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, water booster pumping stations serving areas larger than the customer's property, wastewater lines larger than twelve (12) inches in diameter for commercial and/or industrial service areas and wastewater lines larger than eight (8) inches in diameter for residential service areas or as determined by the City Engineer to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, and wastewater pumping stations serving areas larger than the customer's property.
- (29) "Grab Sample" means a sample taken from a waste stream on a one-time basis with no regard to the rate of flow in the waste stream and without consideration of time.
- (30) "Harmful Contribution" means an actual or threatened discharge or introduction of industrial wastes to the municipal wastewater system which (a) presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, (b) inhibits or interferes with the physical or lawful operation of the municipal wastewater system, or (c) causes the violation of any condition of the City's MPDES permit.
- (31) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, recreational vehicles, or septage haulers.
- (32) "Industrial" means of or pertaining to industry, manufacturing, agriculture, commerce, trade, or business.
- (33) "Industrial User" means (a) any person or source that introduces or discharges wastewater from industrial processes into the municipal wastewater system or (b) any nondomestic user or source regulated under Sections 307(b), (c), or (d) of the Clean Water Act.
- (34) "Industrial Wastes" or "Industrial Wastewater" means all liquid or water-carried wastes other than domestic wastes. The term includes, by way of example and not by limitation, the trade wastes produced by food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial cleaning plants, fertilizer plants, car and truck washing operations, vehicle repair facilities, commercial laundries and cleaning establishments, cooling plants, industrial plants, factories, feedlots, and chemical treatment installation.

- (35) "Inside Metering Facility" means a water metering facility located within a continuous and enclosed concrete/masonry foundation or a building affixed to such foundation. The area provides a protected environment for the water meter.
- (36) "Interference" means the inhibition or disruption of the municipal wastewater system treatment processes or operations which causes (a) a violation of any requirement of the utility's MPDES Permit or (b) the violation of any requirement of an agency with jurisdiction over discharges by the municipal wastewater treatment plant into the receiving waters. The term also includes contamination of the treatment plant sludge byproducts.
- (37) "Large Residential Account" means a municipal water and/or wastewater account for a family residence of four or more units including condominiums, townhouses, apartment buildings, and mobile home parks.
- (38) "Main" means a pipe or conduit carrying water for domestic, fire suppression, and other similar uses.
- (39) "Major Industrial User" means any industrial user contributing nondomestic type process wastewater to a public sanitary sewer at an average flow rate in excess of 50,000 gallons per working day and an average BOD and suspended solids strength concentration in excess of 250 milligrams per liter.
- (40) "Meter" means the instrument, including any auxiliary equipment, which is used to measure the amount of water delivered to a customer from the municipal water supply system or the amount of wastewater contributed to the municipal wastewater system by a user.
- (41) "Minor Industrial User" means any industrial user not classified as either a major industrial user or a significant industrial user.
- (42) "Montana Pollutant Discharge Elimination System (MPDES) Permit" is a permit issued pursuant to Section 402 of the Act (33 U.S.C. Section 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State of Montana.
- (43) "Municipal Wastewater Treatment Plant" means the wastewater treatment plant owned and controlled by the City of Billings.
- (44) "Municipal Water Meter" means the meter, including the meter horn and remote read equipment, which is owned by the utility and which is used to measure the amount of water delivered by the utility to a customer through the customer's water service line.
- (45) "Municipal Water/Wastewater Utility" or "Utility" means the Public Works Department of the City of Billings.
- (46) "Natural Outlet" means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.



- (47) "National Categorical Pretreatment Standards" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. Section 1317) that applies to a specific category of Primary Industrial Users.
- (48) "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any federal regulations developed under the authority of Section 307(b) of the Clean Water Act, including the General Pretreatment Regulations (40 CFR Section 403.5).
- (49) "Non-residential Account" means a municipal water account other than a residential account.
- (50) "One-hundred Cubic Feet" or "Ccf" means the unit of measure used by the utility when computing the amount of water consumed or that passes through a meter. (Note: 1 CCF equals 748 gallons.)
- (51) "Outside Metering Facility" means a utility approved concrete vault and/or an above ground structure designed to house the water meter as well as any pipe, fittings, valves, expansion tanks, backflow prevention devices, pressure reducing devices, and other appurtenances. Outside metering facilities are required for mobile homes and other structures not meeting the definition of an Inside Metering Facility.
- (52) "Person" means any firm, company, partnership, public or private corporation, association, group or society, governmental agency, or other entity as well as a natural person.
- (53) "Point of Connection" means the point at which the municipal wastewater system connects physically to a user's building sewer. Unless otherwise designated in the user's service agreement, the point of connection shall be located at and include the user's service tee or wye fitting, which, in turn, is normally attached to the public sanitary sewer located in the public right-of-way and/or easement that abuts and fronts the property to be served.
- (54) "Point of Delivery" means the point at which the municipal water supply system connects physically to a customer's water service line. Unless otherwise designated in the customer's service agreement, the point of delivery shall be located at and shall include the customer's corporation stop, which, in turn, is normally attached to the public water main located in the public right-of-way and/or easement that abuts and fronts the property to be served.
- (55) "Pollutant" means any dredged soil, solid waste, incinerator residue, sewage, garbage, septic waste, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- (56) "Pollution" means the alteration of the chemical, physical, biological, or radiological

integrity of water by human activity.

- (57) "Pretreatment" or "Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the municipal wastewater system, 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 municipal wastewater system. The reduction or alteration can be achieved by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (58) "Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, including National Categorical Pretreatment Standards, imposed on an industrial user.
- (59) "Public Building" means any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.
- (60) "Public Park" means land dedicated to the public for park and recreation purposes and which is currently being used for the purposes dedicated.
- (61) "Public Sanitary Sewer" means the sewer directly controlled by the City and laid in the street or other right-of-way for the collection of wastewater from users' building sewers.
- (62) "Public Works Department" means the public works department of the City of Billings.
- (63) "Public Works Director" means the public works director of the City of Billings or his authorized representative.
- (64) "Public Water Main" means the main directly controlled by the City and laid in the street or other right-of-way for the distribution of water to customers' water service lines.
- (65) "Rate Schedule" means a resolution approved by the City Council that sets forth the charges and conditions for a particular class or type of utility service.
- (66) "Readily Accessible" means safely and easily reached and not being under "lock and key", "fenced in", "covered up", or otherwise obstructed.
- (67) "Residential Account" means a municipal water/wastewater account for a 1-, 2- or 3-family residence that is not used in whole or part for any type of commercial or non-residential activity requiring a business license and has no type of advertising signage on the property.
- (68) "Rules and Regulations" means all rules and regulations promulgated by the administrator for administration and operation of the utility as provided for in Section

26-101, BMCC.

- (69) "Sanitary Sewer" means a sewer that carries wastewater or sewage.
- (70) "Sanitary Sewer Service Line" or "Wastewater Service Line" means that portion of the privately-owned building sewer extending from the property line of the property served to the public sanitary sewer.
- (71) "Secondary Wastewater Meter" or "Secondary Meter" means a meter furnished, installed, and maintained by a user, and which is used to determine the amount of wastewater contributed by such user to the municipal wastewater system.
- (72) "Septage" means the mixed liquid and solid contents pumped from septic tanks used for receiving primarily segregated domestic wastes or wastes from sanitary conveniences.
- (73) "Septage Disposal Permit" means a written receiving ticket issued by the Public Works Director permitting the discharge of septage into the City's approved waste disposal station in accordance with the provisions of these rules and regulations.
- (74) "Septage Hauler" means a person having a valid City business license, when appropriate, and, in addition, licensed by state and local governmental agencies to operate a business for the purpose of cleaning septic tanks and transporting septage to an approved septage disposal facility.
- (75) "Service Agreement" means the agreement or contract between the utility and its customers pursuant to which water/wastewater service is provided.
- (76) "Sewer" means a pipe or conduit for carrying wastewater or drainage.
- (77) "Shall" is mandatory; "May" is permissive.
- (78) "Significant Industrial User" means any user of the wastewater system (WWS) who:
  - (a) Is subject to national categorical pretreatment standards as defined herein;
  - (b) Discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater system, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;
  - (c) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the municipal wastewater treatment plant(s); or,
  - (d) Is designated as such by the City on the basis that the industrial user has a potential for adversely affecting the WWS or for violating any pretreatment standard or requirement.
- (79) "Significant Violator" means an industrial user who is in significant noncompliance by

violating one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined as those in which 66 percent (66%) or more of all of the measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;
  - (b) Technical review criteria (TRC) violations, defined as those in which 33 percent (33%) more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, grease, and 1.2 for all other pollutants except pH);
  - (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the administrator determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of City personnel or the general public;
  - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
  - (e) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
  - (f) 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;
  - (g) Failure to accurately report noncompliance; or,
  - (h) Any other violation or group of violations the administrator determines will adversely affect the operation or implementation of the local pretreatment program.
- (80) "Source" means any building, structure, facility, or installation from which there may be a discharge of pollutants.
- (81) "Special Benefit Facilities" means water or wastewater facilities which are owned and controlled by the city and which provide service solely to specific properties located within the city's water or wastewater service areas. Typical special benefit facilities include, but are not limited to water lines twelve (12) inches in diameter for commercial and/or industrial service areas and water lines eight (8) inches in diameter for residential service areas or as determined by the City Engineer to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, water booster pumping stations serving small areas, wastewater lines twelve (12) inches in diameter for commercial and/or

industrial service areas and wastewater lines eight (8) inches in diameter for residential service areas or as determined by the City Engineer to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, and wastewater pumping stations serving the specific customer's property.

- (82) "Sprinkling Meter" means a municipal water meter that is installed on a customer's water service line for the purpose of measuring the water delivered by the utility to a customer exclusively for lawn and garden irrigation.
- (83) "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, as amended.
- (84) "State" means the State of Montana.
- (85) "Storm Sewer" or "Storm Drain" means a sewer that carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.
- (86) "Sub Meter" means a meter or meters which are furnished, installed, and maintained by a customer, and which are installed downstream of the municipal water meter by the customer for the purpose of proportioning municipal water/wastewater charges between various tenants.
- (87) "Suspended Solids" means solids that either float on the surface or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.
- (88) "System Main" means a public water or wastewater main having a diameter greater than 36 inches.
- (89) "Tampering" means damaging, altering, adjusting, or in any manner interfering with or obstructing the operation or function of any metering device that is used for measuring or registering municipal water/wastewater service.
- (90) "Toxic Pollutant" includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307(a) of the Act or other applicable laws.
- (91) "Trucked waste" means wastes, other than septage, transported to the approved waste disposal station by a septage hauler and approved by the City for disposal.
- (92) "Trunk Main" means a public water or wastewater main having a diameter greater than 12 inches but less than or equal to 36 inches.
- (93) "User" or "Customer" means any person receiving municipal water/wastewater service either directly or indirectly from the municipal water supply system/municipal wastewater system.

- (94) "Utility" means the City of Billings Public Works Department.
- (95) "Waste Disposal Station" means the City's waste disposal station as designated by the Public Works Director, which has been approved by the City-County Health officer for the purpose of disposing of septage and which is located at the site of the municipal wastewater treatment plant.
- (96) "Wastewater" or "Sewage" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the municipal wastewater system.
- (97) "Wastewater Meter" means a meter which is furnished, installed, and maintained by a user, and which is used to measure the amount of wastewater contributed by such user to the municipal wastewater system.
- (98) "Wastewater Service" or "Municipal Wastewater Service" means the act of either directly or indirectly discharging wastewater into the municipal wastewater system from users' building sewers for the purpose of collecting, transporting, treating, and disposing of users' wastewater.
- (99) "Wastewater Service Area" means that particular territory which has been officially adopted by the City Council as the area it intends to provide with municipal wastewater service.
- (100) "Wastewater System" or "Municipal Wastewater System" means any wastewater facilities, including interceptor sewers, outfall sewers, wastewater collection systems, and wastewater treatment facilities, controlled by the City.
- (101) "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.
- (102) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (103) "Water Service" or "Municipal Water Service" means the supplying of water either directly or indirectly from the municipal water supply system, or the availability of water supplied either directly or indirectly from the municipal water supply system, at the point of delivery and also the water so delivered or used.
- (104) "Water Service Area" means that particular territory which has been officially adopted by the City Council as the area it intends to serve with municipal water service.
- (105) "Water Service Line" means all privately-owned facilities, including service pipe, corporation stop, curb stop, curb box, municipal water meter box or vault, backflow

prevention device, expansion tank, pressure reducing valve, inside piping, appliances, and other apparatus on the customer's side of the point of delivery, except the municipal water meter and any other equipment owned by the City.

- (106) "Water Supply System" or "Municipal Water Supply System" means any devices, facilities, structures, equipment, land or works controlled by the City for the purpose of the processing, treatment, transmission, storage, distribution, pumping, and measurement of water supplied to customers.

## 2-2. **ABBREVIATIONS**

The following abbreviations shall have the following designated meanings for the purposes of these rules and regulations:

- (1) BMCC: Billings Montana City Codes.
- (2) BOD: Biochemical Oxygen Demand.
- (3) CFR: Code of Federal Regulations.
- (4) EPA: Environmental Protection Agency.
- (5) DEQ: Montana Department of Environmental Quality.
- (6) COD: Chemical Oxygen Demand.
- (7) MCA: Montana Code Annotated.
- (8) mg/l: Milligrams per Liter.
- (9) MPDES: Montana Pollutant Discharge Elimination System.
- (10) POTW: Public Owned Treatment Works.
- (11) SIC: Standard Industrial Classification.
- (12) U.S.C.: United States Code.
- (13) TSS: Total Suspended Solids.
- (14) WWS: Wastewater System.
- (15) WWTP: Wastewater Treatment Plant.

## **CHAPTER 4 - GENERAL**

### **4-1. AUTHORITY**

These rules and regulations are enacted pursuant to the authority granted to the City under MCA 69-7-201 and the City Administrator under BMCC 26-101.

### **4-2. INTENT AND PURPOSE**

The intent and purpose of these rules and regulations is:

- (1) To promote the health, safety, and general welfare of the inhabitants of the city and its environs; and,
- (2) To provide the inhabitants of the city and its environs with efficient and economical water/wastewater service.

### **4-3. JURISDICTION**

The jurisdictional area of these rules and regulations shall include any territory, whether situated within or outside the corporate city limits, which is presently or in the future located within the municipal water/ wastewater service areas and served with municipal water/wastewater service.

### **4-4. APPLICATION**

These rules and regulations are hereby made a part of the contract with every person provided with municipal water/wastewater service. Further, every person making application for initiation of such service, or accepting such service, shall be bound thereby.

### **4-5. NONCOMPLIANCE**

Any person who shall fail to comply with these rules and regulations after being given a written notice of the nature of the violation shall be subject to discontinuance of municipal water/wastewater service. The utility may consider requests for extended payments prior to discontinuance of service at the sole discretion of the utility. Provided, that in emergency situations, as determined in the sole discretion of the utility, such service may be discontinued without notice. Municipal water/wastewater service shall not be restored until the violation is corrected and full compliance is assured. Further, once service has been discontinued for noncompliance with these rules and regulations, it shall not be restored until the customer involved pays to the utility any applicable charges for discontinuance and/or reestablishment of service and restores any required deposits. In addition, persons failing to obey promulgated rules and regulations shall be subject to punishment and penalties as provided for under BMCC 1-110 and BMCC 1-111.



#### **4-6. REVIEW OF ADMINISTRATIVE ACTIONS**

Any person aggrieved by an administrative decision, any rules or regulation adopted, or the application of any rule or regulation governing the operation of the utility may petition the City Council for review. The aggrieved person shall file a written notice of appeal with the City Administrator within 10 days after the date on which the grievance occurred. The notice of appeal shall state the specific action being appealed; the reasons for appealing such action, the particular relief sought, the aggrieved person's correct mailing address, and shall be signed by the aggrieved person. The aggrieved person shall be notified in writing by certified mail, return receipt requested, of the date, time, and place the matter will be considered by the City Council. The aggrieved person and all other interested persons may appear at that date, time, and place and be heard. The City Council shall act on the question within 30 days of the hearing on the question.

#### **4-7. OWNER'S DUTY TO USE MUNICIPAL WATER/WASTEWATER FACILITIES**

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 situated municipal water supply system facilities or municipal wastewater system facilities within 100 feet of the property line, shall at the owner's expense properly connect and use such facilities.

#### **4-8. WHEN PRIVATE SYSTEMS MAY BE USED**

When municipal water/wastewater services are not available as provided in these rules and regulations, private water/wastewater systems may be used provided that all such systems shall be constructed, installed, and maintained under and pursuant to the rules and regulations of the City-County Health Department.

#### **4-9. ACCESS TO CUSTOMER'S PREMISE**

Access at reasonable hours to a customer's premise by authorized employees of the utility shall be deemed to have been granted to the utility by the customer during the time the customer accepts municipal water/wastewater service for the purpose of reading meters, testing, repairing, removing or exchanging any or all equipment belonging to the utility, or for the purpose of ensuring that a customer is in compliance with these rules and regulations.

#### **4-10. PERMIT REQUIRED FOR CONNECTION, EXTENSION, OR USE**

No persons shall uncover, make any connections with, or opening into, extend, use, alter, or disturb the municipal water system and/or municipal wastewater system without first obtaining a written permit for that purpose from the Public Works Director.

#### 4-11. **UNAUTHORIZED ACTS**

No plumber or other person shall make connections with a customer's water/wastewater service line, connect such water/wastewater line when it has been disconnected by the utility, or turn customer's water on or off, without first obtaining written permission to do so from the Public Works Director.

#### 4-12. **UNPOLLUTED DRAINAGE - STORM SEWERS**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the City, to a storm sewer or natural outlet. However, no storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters shall be discharged into any public sanitary sewer.

#### 4-13. **MISCELLANEOUS DEVICES**

The Public Works Director may require a customer to install, as a condition of continued water/wastewater service and at the customer's expense, an approved backflow prevention device, an approved expansion tank, an approved pressure reducing device, an approved pumping device, or any other similar type device that the director deems necessary to protect the facilities of the municipal water/wastewater utility, its service products, or the facilities of its customers/users. The customer shall be responsible for the testing, operation, and maintenance of all such devices. The director may require the customer to submit periodic test results on such devices certifying that the devices have been checked by an authorized service representative and are in good working order. In the case of backflow prevention assemblies, however, the director may require that only certified backflow prevention assembly testers are allowed to perform such tests and that all such tests be performed prior to permanent use of the assembly as well as periodically thereafter. The director shall determine the frequency of performing all tests required herein.

#### 4-14. **CONDITIONS OF SERVICE**

Service shall be provided by the utility only under and in accordance with the rules and regulations contained herein, by modifications or additions thereto lawfully made, and under such applicable ordinances, resolutions, rate schedules, and contracts as may from time to time be lawfully established.

#### 4-15. **INTERRUPTIONS OF SERVICE**

The utility reserves the right to temporarily interrupt water/wastewater service to its customers for the purpose of making connections, extensions, repairs, replacements, and additions to the municipal water supply system/municipal wastewater system. Whenever possible the utility will give reasonable notice to its customers in advance of accomplishing such work.

#### 4-16. **LIABILITY OF UTILITY**

The utility shall only be responsible to a customer for providing water/ wastewater service in accordance with the conditions set forth in the customer's service agreement with the utility, irrespective of ownership of the property served. Utility shall not be responsible for inconvenience, damage, or injury to persons or property resulting from utility's termination, discontinuance, or interruption of municipal water/wastewater service to any property in accordance with these rules and regulations. Further, the utility shall not be responsible for the providing of municipal water service to a customer at a pressure greater than or less than the pressure existing in the public water main at the point of delivery of the customer in question.

## **CHAPTER 6 - INITIATION AND DISCONTINUANCE OF SERVICE**

### **6-1. SERVICE APPLICATIONS REQUIRED**

A person requesting to establish an account for municipal water/wastewater service with the utility shall make application for such service with the utility. After approval by the utility, the application to establish an account for water/wastewater service shall constitute the service agreement or contract between the customer and the utility.

### **6-2. SERVICE APPLICATION PROVISIONS**

When a person requests to establish an account for municipal water, wastewater, or other City services, it is understood that the person making the request agrees to pay to the utility all charges and fees for the service. In addition, it shall contain a provision wherein the applicant also agrees to abide by all the City's regulations governing municipal water/wastewater service, including the rules and regulations contained herein.

### **6-3. SERVICE APPLICANTS**

A person requesting to establish an account for municipal water service or for municipal water/wastewater service may be either an owner of the property to be served or a tenant. However, an account for only municipal wastewater service must be established by the owner of the property to be served. In any event, a written service application may be required and shall include the name and mailing address of the owner of the property involved. It shall be the responsibility of the applicant to maintain on file with the utility his/her current mailing address.

### **6-4. INFORMATION TO BE PROVIDED**

A person requesting to establish an account for municipal water/wastewater service shall, upon request by the utility, furnish proper identification, including but not limited to Driver's License Number, or birth date, or other state or federal identification together with any information necessary to verify identity of applicant and service address, including ownership, tenancy, or relationship of applicant to other present or former customers of the utility at the service address in question. In the event this information, or any other information required to be submitted under these rules and regulations, is not furnished, service to the applicant or service address involved shall be denied or discontinued until such information is provided. In addition, prior to restoring any service, the applicant must first pay to utility any applicable charges for discontinuance and reestablishment of service.

### **6-5. SERVICE APPLICATION PREREQUISITES**

An application to establish an account for municipal water/wastewater service shall be accepted by the utility only for property that:

- (1) Is located within the utility's water and/or wastewater service area;

- (2) Fronts and abuts a public water line and/or public sanitary sewer;
- (3) Has a water/wastewater service line stubbed to the property line of the property to be served;
- (4) Has building and yard plumbing meeting the requirements of the latest edition of the Uniform Plumbing Code;
- (5) Has submitted a written waiver of right to protest annexation if the property to be served is located outside the city limits and City Council has approved service for either water and/or wastewater; and,
- (6) Has paid to the utility all applicable construction fees, system development fees, and permit fees.

#### 6-6. **TRANSFER OF SERVICE ACCOUNT**

A customer requesting to have the customer's municipal water/wastewater service account transferred to a new address may do so by telephone provided that the customer has an established account for municipal water/wastewater service. In the event that the applicant does not have an established account with the utility, then the provisions of Section 6-1, regarding submission of such an application, shall apply. A service account shall not be transferred for new construction or a remodel that was issued a building permit by the City until a certificate of occupancy has been issued by the City.

#### 6-7. **DISCONTINUANCE OF SERVICE BY CUSTOMER**

Once municipal water/wastewater service is initiated, a customer shall be responsible for payment to the utility for any water/wastewater service provided, including any minimum charges due, until such time as the customer requests the discontinuance of said service and a final bill. The final bill shall be due and payable upon receipt by the customer, and if not paid within 30 days of mailing, utility may initiate collection procedures. Delinquent final bills shall be subject to the late-payment interest charge set forth in Section 16-14. A customer shall, under normal circumstances, contact the utility at least 24 hours in advance of the need to discontinue the customer's/user's municipal water/wastewater service, Saturdays, Sundays, and holidays excluded.

#### 6-8. **DISCONTINUANCE OF SERVICE BY UTILITY**

The utility may discontinue municipal water wastewater service to any customer/user as provided below or as may be provided elsewhere herein these rules and regulations:

- (1) **Without Notice.**
  - (a) In the event of any condition determined to be hazardous to property and/or persons.

- (b) In the event a customer/user uses equipment in such a manner that adversely affects the municipal water supply system/municipal wastewater system or that adversely affects municipal water/wastewater service to other customers/users.
- (c) In the event of any unauthorized use or diversion of municipal water/wastewater service or when any evidence of tampering with or bypassing of the municipal water meter is found.
- (d) Upon written receipt of orders from government authority to discontinue municipal water/wastewater service.

**(2) Upon Not Less Than 24 Hours Notice**

- (a) For violation and/or noncompliance with any applicable federal, state, or local laws, and rules and regulations contained herein.
- (b) For failure of a customer to permit representatives of the utility reasonable access to the customer's premise for the purposes set forth in Section 4-9.
- (c) For failure of a customer to fulfill his contractual obligations for service.

**(3) Upon 10 Days Written Notice**

- (a) For failure of a customer to keep his or her water service line, meter box/vault, fixtures, and/or any other appurtenances in good repair and in a safe and operable condition.
- (b) For failure of a user to keep his or her building sewer and appurtenances in good repair and in a safe and operable condition.

Whenever service is discontinued under this section, or any other section contained in these rules and regulations, the provisions of Section 4-5 regarding noncompliance shall apply. Further, for the purposes set forth under this section, or any other section contained in these rules and regulations, written notice shall be deemed to have been given by the utility when such notice is mailed first class to the name and address of the owner of the property in question currently on file with the utility as required under the provisions of Section 6-3.

## **CHAPTER 8 - TURN ON AND TURN OFF OF SERVICE**

### **8-1. GENERAL**

The utility shall not turn the water on at the curb valve to any property until such time as the owner has established a municipal water/wastewater account with the utility as required under Section 6-1 and, in addition, has paid to the utility a turn-on fee, if applicable.

### **8-2. OPERATION OF CURB VALVES**

Only authorized representatives of the utility shall turn water on or off at a customer's curb valve. Utility will not turn the water on at a customer's curb valve unless the customer or an authorized agent thereof is at the customer's premise at that time to check for open faucets and/or leaking fixtures and plumbing. A hold harmless agreement may be used in the event the responsible party or his/her representative cannot be present when the water is turned on.

### **8-3. INSPECTION OF METER AND APPURTENANCES REQUIRED**

At the time the water is turned on, a representative of the utility shall inspect the municipal water meter in question for evidence of tampering/bypassing and to ensure that it is sealed properly. At that same time, the utility representative may check the customer's plumbing for cross connections and, when appropriate, check to ensure that the check valve in the meter horn is properly working.

### **8-4. TURN-OFF FOR NONPAYMENT AND/OR NONCOMPLIANCE**

The utility normally shall not turn the water off on the day preceding a nonworking day for nonpayment of charges for municipal water/wastewater service or for noncompliance with these rules and regulations. However, the utility may do so in those cases set forth in Section 6-8 (1).

### **8-5. TURN-ON AND TURN-OFF LIABILITY DISCLAIMER**

The utility shall not be liable for any damage to persons or property that may result from the turning on or turning off of the water to a customer's premise as provided for in these rules and regulations or from the water being left on when the premise may be unoccupied.

### **8-6. LANDLORD AGREEMENT**

The owner of rental property may enter into a landlord agreement with the utility wherein the landlord agrees to be responsible for the payment of the charges for municipal water/wastewater service to be provided to a landlord's property in between tenants and wherein the utility agrees to provide municipal water/wastewater service in the landlords name at that particular address. Only landlords having on file with the utility an application for establishment of a municipal water/wastewater account as required under Section 6-1 shall qualify for entering into such a landlord agreement with the utility.

Further, the landlord shall pay to the utility a turn-on fee at the time such agreement is first entered into with the utility. Thereafter, the landlord shall not be required to pay said fee when tenants vacate the property in question.



## **CHAPTER 10 - DEPOSITS**

### **10-1. WHEN REQUIRED AND AMOUNT OF DEPOSIT**

For the purpose of guaranteeing payment of the municipal water/charges, the utility may require any prospective customer to file a deposit with the utility prior to providing the prospective customer with municipal water/wastewater service. However, a person desiring to establish an account for municipal wastewater service to a property not currently supplied with municipal water service shall be required to file a deposit with the utility prior to being granted such service. Such deposit shall be equal to the estimated bill for 100 days of municipal water and/or wastewater service. If a customer establishes an account without a deposit, but subsequently develops an unsatisfactory credit history with the utility, a deposit may be required as a condition of continuing service.

### **10-2. APPLICATION OF DEPOSITS**

The utility may apply to a delinquent customer's account any or all of such customer's deposit to offset any outstanding bill at the customer's current or former address. The utility may require the customer to immediately restore the deposit to the full amount whenever it has been used for this purpose.

### **10-3. TRANSFER OF DEPOSITS**

Any deposit made under the provisions set forth in this section may be transferred by the utility to any address within the utility's service area where service is provided in the depositor's name.

### **10-4. FAILURE TO MAKE DEPOSITS**

Failure to make deposits, increase deposits, or restore deposits after notification shall be due cause for utility to refuse/discontinue service to the customer involved until such deposit has been made plus the payment of any applicable charges for discontinuance and/or reestablishment of service.

### **10-5. REFUND OF DEPOSITS**

The utility may at any time refund a customer's deposit or any part thereof by check or by credit to the customer's account.

### **10-6. RECORD OF DEPOSITS**

The utility shall maintain a record of any deposits filed by customers with the utility.

### **10-7. RECEIPT OF DEPOSITS**

The utility shall issue to a customer from whom a deposit is received a non-assignable receipt. However, the utility shall provide reasonable ways and means whereby a deposit may be refunded to a customer who is unable to produce the original receipt.

## **CHAPTER 12 - TEMPORARY, CONSTRUCTION, AND SPRINKLING SERVICE**

### **12-1. TEMPORARY WATER/WASTEWATER SERVICE**

Municipal water/wastewater service provided for a shorter period than six months shall be considered temporary, and in such cases, the customer shall be required to reimburse the utility for the cost of installing and removing the municipal water meter involved as provided under Section 18-8. Further, the customer shall at his/her expense install in accordance with utility standards any needed water service lines/building sewers required in order to establish such temporary service as well as remove such facilities, if required, when service is discontinued.

### **12-2. CONSTRUCTION WATER PERMIT REQUIRED**

It is prohibited for any contractor or other person engaged in construction work to utilize municipal water/wastewater service without first obtaining a written permit from the utility and paying to the utility the appropriate fees and charges for such service.

### **12-3. SERVICE FOR BUILDING CONSTRUCTION**

A contractor, builder or owner shall take out a permit for use of any municipal water/wastewater service in connection with the construction of a building, and all such service shall be deemed temporary and subject to the provisions of Section 12-1. All water passing through the municipal water meter shall be billed to the applicant for such a permit at least monthly, and the charges for such service shall be calculated using the current minimum and metered water service schedules of the utility. Such bills shall be due and payable when rendered. Failure of the applicant to pay the bill within 30 days after mailing shall be deemed sufficient cause to immediately remove the municipal water meter. Once removed, the municipal water meter shall not be reset for an applicant until all outstanding bills for construction water are paid and the applicant has reimbursed the utility for its expenses in removing and installing the meter. In addition, regular municipal water/wastewater service to any new building shall not be initiated until all charges for temporary service, including any minimum service charges due, have been paid in full to the utility.

### **12-4. SERVICE FOR PUBLIC WORKS CONSTRUCTION**

Application to obtain water by means of a fire hydrant for public works construction or for other construction projects shall be made to the utility on forms furnished for this purpose by the utility. Payment of the appropriate municipal fire hydrant meter setting/removal fee shall be made to the utility. There will be no fee for Public Works projects. Unless agreed to otherwise by the utility, all construction water passing through the municipal fire hydrant meter shall be billed to the applicant at least monthly and the charges for such service shall be calculated using the "Seasonal" classification on the utility's current minimum and metered water service schedules for a three-inch meter. Such bills shall be due and payable when rendered.

Fire hydrant meters may be removed by the utility 1) for failure of the applicant to pay the bill within 30 days after mailing, or 2) if no water usage is registered through the hydrant meter for any one month period. Once removed, the municipal fire hydrant meter shall not be reset for an applicant until all outstanding bills for construction water are paid, and the applicant has again paid to the utility the appropriate municipal fire hydrant meter setting/removal fee.

**12-5. SPRINKLING METER SERVICE**

Sprinkling meter service shall be available only to inside-city customers. Water provided to an inside-city customer through a sprinkling meter shall be billed to such a customer at least monthly, and the charges for such service shall be calculated using the "Seasonal" classification on the current minimum and metered water service schedules of the utility. Such bills shall be due and payable to the utility when rendered. Failure to pay the bill within 30 days after mailing shall be deemed sufficient cause to immediately remove the sprinkling meter. Once removed, the sprinkling meter shall not be reset for the customer involved until all outstanding bills for water service are paid and the customer has reimbursed the utility for its expenses in removing and installing the meter. Sprinkling meters installed for a period less than six months shall be considered temporary and subject to the provisions of Section 12-1 unless connected inside the building as outlined in Section 18-25.

**12-6. WATER SERVICE LEVEL DURING PUBLIC WORKS DEPARTMENT PROJECTS AND EMERGENCIES**

In the event that temporary water service is required during the construction of a Public Works Department project during emergency periods, the temporary water service will be provided at a level needed for domestic use to the businesses and/or residences receiving that temporary water service. Fire flows will not be guaranteed during the period the temporary water is provided. In addition, it is anticipated that there may be times that no water is provided for short periods of time. The Fire Department will be notified in advance when temporary water service is required.

## **CHAPTER 14 - BILLING**

### **14-1. BILLING PERIOD**

Except for fireline charges, the charges for municipal water and wastewater services together shall be billed at least monthly. Fireline charges will be billed annually. To meet unusual conditions, such as discontinuances, the utility may render bills for service at other than the aforementioned intervals.

### **14-2. BILLS DUE**

All charges for municipal water/wastewater service, including fireline and miscellaneous charges shall become due and payable when rendered. Bills shall become delinquent 25 days from the date of billing if not paid. If the bill is not paid within 40 days after the billing date, the water/wastewater service to the customer involved shall be discontinued after proper notice. Service to the delinquent customer shall not be resumed until payment of all outstanding bills for municipal water/wastewater service have been made, the customer involved has paid to the utility the applicable charges for discontinuance and/or reestablishment of service, any late-payment interest charges on the past due balance, and the customer restores any required deposits.

### **14-3. INFORMATION ON BILLS**

As a minimum, a bill for municipal water/wastewater service shall show the customer's name and mailing address, the billing date, the billing period, the customer's account number, the service address, the previous and present meter readings, the actual or estimated water usage in one-hundred cubic feet, the current and past due charges, the previous balance, and the total amount due.

### **14-4. COMBINED CHARGES**

All bills issued for municipal water service, wastewater service, solid waste service, or any other City services shall state the amounts for each service separately. A bill may contain any combination of services, depending on the availability of services for the property being billed. Partial payments are allowed, but the payment is prorated against all outstanding charges.

### **14-5. BILLS NOT CONTAINING WATER CHARGES**

Payment for bills issued for wastewater service, solid waste service, and any other services but which do not receive municipal water service shall normally be handled as set forth under Sections 14-1 and 14-2. However, in the event of nonpayment of such bills, the Public Works Director may order the wastewater service line serving the property involved to be cut and plugged. Service shall not be restored until the total amount of the outstanding bill is paid plus all expenses incurred by the utility in disconnecting and restoring service and the customer restores any required deposits. The procedures set forth under MCA 7-13-4309, which imparts the payment as a tax against the property involved and permits the bringing of a suit, may also be used to

collect payment of delinquent municipal wastewater charges, solid waste charges, and all other charges, in this instance. Whenever an account for municipal wastewater service is established by a residential customer with no prior history of water consumption, the Public Works Director will estimate water consumption based upon an average city use for billing purposes until a sufficient history of use is established to the Public Works Director's satisfaction.

#### 14-6. **REFUSAL OF SERVICE**

The utility may refuse service to any delinquent customer or to other members of the delinquent customer's household or firm when the request by such person for service may be a means for evading payment of any unpaid charges. The utility may require an account to be transferred from a tenant's name to the property owner's name if the account becomes delinquent four or more times or service is discontinued two or more times during any 12 month period.

#### 14-7. **MULTIPLE OWNERS**

Where municipal water/wastewater service is provided through a single meter to property having multiple owners, the utility will not apportion the charges for the use of water and wastewater service among the various owners. The bill for such service shall be charged against the person in whose name the account stands. However, if the one in whose name the account stands fails, refuses, or is unable to pay such bill, the City's shut off procedure will be followed. Such unpaid bills may be cause for discontinuing service to the property involved until the total amount due is paid plus payment of any applicable charges for discontinuance and/or reestablishment of service and any required deposits are restored.

#### 14-8. **PAYMENT TRANSFERS**

Where a customer is liable to the utility for municipal water/wastewater service at one address and is thereafter located at some other address, any amounts due for service furnished at any previous location may be transferred to the customer's account at the customer's current location. Water service may be discontinued at the customer's current location until all outstanding accounts are paid in full plus payment of any applicable charges for discontinuance and/or reestablishment of service and any required deposits are restored.

#### 14-9. **ESTIMATES**

In instances where a meter is not read, the utility may use estimated water usage and/or wastewater contributions in determining a customer's water/wastewater bill.

#### 14-10. **ADJUSTMENTS OF WASTEWATER BILLS**

The wastewater rates, charges, and fees may be adjusted, as applied to a particular premise, by the procedure set forth below, where it appears that:

- (1) The character of the wastewater from any manufacturing, industrial, or other

plant, building, or premises is such that the wastewater rates provided are unfair, inequitable, unreasonable, or inadequate to pay the cost of wastewater service to such premises;

- (2) The entire amount of water delivered through the metered line, such as a line with a sprinkling meter, to any premises is used for such a purpose and in such a manner as to establish beyond reasonable doubt that such water does not enter the municipal wastewater system;
- (3) The entire amount of water delivered through a secondary meter on any premises is used for such a purpose and in such a manner as to establish beyond reasonable doubt that water so delivered does not enter the municipal wastewater system. As provided under Section 18-24, secondary wastewater meters shall be furnished at the customer's expense and shall be of a type, size, and make and set at such place as shall be designated by the Public Works Director.

Any person who considers the wastewater rates, charges, and fees applicable to his premises unfair, inequitable, or unreasonable may present his complaints to the Public Works Board, stating the facts and grounds of complaint. The board shall advise the City Administrator or his/her designee of any need for investigation and a report of the investigation shall be made to the board. The Public Works Board shall consider each and all of such complaints and reports and communicate its recommendations to the Public Works Director who shall meet with the City Administrator on the issue. Where the entire amount of water or any metered portion thereof delivered to any premises does not enter the municipal wastewater system, this fact shall be part of the report. When the board finds that the wastewater rates, charges, and fees applicable to any premises are for other reasons unfair, inequitable, unreasonable, or inadequate, it shall communicate its findings to the Public Works Director who shall meet with the City Administrator on the issue. The City Administrator shall report the same to the City Council and the Council shall have the right to order a public hearing as to any such matter, and if convinced that an adjustment of the wastewater rates, charges, and fees for such premises is necessary to provide equality with those charged to others, it shall so provide, either by amendatory ordinance, or by resolutions, fixing special wastewater rates and charges for individual premises during the period of continuance of special circumstances which make the standard rates and charges unfair, inequitable, unreasonable, or inadequate.

#### 14-11 **BUDGET BILLING**

Customers in good standing with their payments and that do not normally carry a credit balance are eligible for budget billing. The amount assessed is determined by the total of the last 12 months bills divided by 11. This allows a cushion for occasional unexpected high bills. Recalculation of the budget amount will be done twice a year. If a customer's usage changes significantly the recalculation may occur more frequently. A letter will be sent notifying the customer of the new budget amount.

A customer may be removed from budget billing if either of the following occurs:

- (1) Two consecutive occurrences of either
  - a) shutoff for non-payment, or
  - b) returned checks.
- (2) Excessive overpayment of bills that adversely affect the averaging.

## **CHAPTER 16 - RATES, CHARGES, AND FEES**

### **16-1. GENERAL**

All rates, charges, and fees for municipal water/wastewater service shall be adopted by the City Council by resolution in accordance with the provisions of Resolution 13585, or as such may be lawfully changed from time to time. In addition, MCA 69-7-201 provides that rate increases adopted by the City Council for comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limits. Further, in accordance with the provisions of MCA 7-13-4305, no person shall be permitted to use or enjoy the benefit of the municipal water/wastewater system unless they pay the full and established rate for said service.

### **16-2. MONTHLY METERED WATER CHARGES**

Any monthly, metered water charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all customers that have either direct or indirect water service connections with the municipal water supply system. Further, such customers may be located either inside or outside the corporate city limits, but they shall be situated within the water service area.

The monthly, metered water charges shall be divided into four classifications; "residential", "non-residential", "seasonal" and "resale". The "residential" classification shall include all residential customers. The "non-residential" classification shall include large residential commercial, industrial and institutional water users. The "seasonal" classification shall include all customers that qualify as public parks as well as all customers served by sprinkling meters and fire hydrant meters. The "resale" classification shall include all customers in which water is sold at one or more major points of delivery for resale within the resale customer's area.

The monthly, metered water charge shall be based upon the volume of water, in 100 cubic feet, which is registered monthly on the municipal water meter serving a customer. Monthly, metered water charges are due and payable as set forth in Section 14-2.

### **16-3. MINIMUM MONTHLY WATER CHARGES**

Any minimum monthly water charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all customers that have either direct or indirect water service connections with the municipal water supply system. Further, such customers may be situated either inside or outside the corporate city limits, but shall be situated within the water service area. Such charges shall be subdivided into two classifications, which shall be designated as "inside city", those customers located within the corporate city limits, and "outside city", those customers located outside this boundary. The minimum monthly charges shall be based on the size of municipal water meter used to serve a customer. Minimum monthly water charges are due and payable as set forth in Section 14-2.



**16-4. PRIVATE FIRE PROTECTION CHARGES**

Any private fire protection charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all customers that have either direct or indirect fireline/fire hydrant connections with the municipal water supply system. Further, such customers may be situated either inside or outside the corporate city limits, but they shall be situated within the water service area.

The private fire protection charges shall be subdivided into two classifications, which shall be designated as "inside city" and "outside city." The "inside city" classification shall include all fire protection customers that are situated within the water service area and that are situated within the corporate city limits. The "outside city" classification shall include all fire protection customers that are situated within the water service area and that are situated outside the corporate city limits.

Private fire hydrants and firelines shall include those owned by the customer. Private fire hydrant and fireline charges shall provide only for water service and do not provide for maintenance and replacement of firelines, fire hydrants, and fire hydrant branches.

The private fire protection charges shall be based upon the size of fireline or fire hydrant branch involved. The use of water delivered by the utility to unmetered firelines and fire hydrant branches shall be limited to fire fighting only. Private fire protection charges are due and payable as set forth in Section 14-2.

**16-5. CHARGE FOR RE-ESTABLISHMENT OF WATER/WASTEWATER SERVICE**

Any charge for reestablishment of water/wastewater service adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to any customer that has had the water/wastewater service to his/her property discontinued for failure to pay municipal water/wastewater charges or for failure to comply with the rules and regulations set forth herein. The charge for reestablishment of water/wastewater service shall be subdivided into two classifications, which are "normal working hours" and "outside normal working hours." Once the water/wastewater service to a customer has been discontinued, such service shall not be restored until the customer involved is in full compliance with these rules and regulations and has paid to the utility the applicable charge for reestablishment of municipal water/wastewater service, plus payment of any outstanding charges for such service.

**16-6. MONTHLY VOLUME WASTEWATER CHARGES**

Any monthly volume wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the municipal wastewater system. Further, such users may be situated either inside or outside the corporate city limits, but shall be situated within the wastewater service area.

The monthly volume wastewater charges for commercial accounts shall be billed based upon the volume of water used monthly, which shall be determined by taking the total number of cubic feet of water registered monthly on the municipal water meter or such

other approved water/wastewater meter that serves the account in question.

The monthly volume wastewater charges for residential accounts, public buildings and schools shall be billed based upon the average volume of water used monthly, which shall be determined by taking the total number of cubic feet of water registered monthly on the municipal water meter, or such other approved water/wastewater meter that serves the account in question, for the months of December, January, February and March and dividing such total by 4. The average monthly water volume so determined shall be used to compute the monthly volume wastewater charge for the account in question for the following 12 months of May through April.

In the event a customer believes they have been improperly classified as specified above, they may appeal their classification by providing a sampling site and paying the appropriate fee for utility sampling and testing. The fee will be refunded if it is determined that the customer is improperly classified. The customer may use the services of a private testing lab that provides hourly composite testing over a continuous 24-hour period. If private testing proves the customer is improperly classified, the utility will pay the customer for the private testing services or the current fee for utility sampling and testing, whichever is less.

Monthly volume wastewater charges are due and payable as set forth in Section 14-2.

16-7. **MINIMUM MONTHLY WASTEWATER CHARGES**

Any minimum monthly wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the municipal wastewater system. Further, such users may be situated either inside or outside the corporate city limits, but shall be situated within the wastewater service area. Such charges shall be subdivided into the same classifications as are set forth in Section 16-6 for monthly volume wastewater charges. Minimum monthly wastewater charges are due and payable as set forth in Section 14-2.

16-8. **WASTEWATER EXTRA STRENGTH SURCHARGES**

Any wastewater extra strength surcharge adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the municipal wastewater system and that contribute wastewater to the system with strength concentrations in excess of the limits of 2,000 mg/l of five-day BOD or 2,000 mg/l of TSS. Further, such users may be situated either inside or outside the corporate city limits, but shall be situated within the wastewater service area.

Users contributing extra strength wastewater to the municipal wastewater system shall pay wastewater extra strength surcharges to the utility in addition to the monthly volume wastewater charges.

Wastewater extra strength surcharges are due and payable as set forth in Section 14-2.

## 16-9. **MISCELLANEOUS WATER/WASTEWATER FEES AND CHARGES**

Any miscellaneous water/wastewater fees and charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply as follows:

### (1) **Application Fee for Extensions**

The application fee for extension of the municipal water supply system or municipal wastewater system shall apply to any person submitting such type of application to the utility for processing. The purpose of the fee is to compensate the utility for its expense in processing an extension application and in reviewing and approving the plans and specifications for such an extension. The fee shall be due and payable at the time the extension application is filed with the utility.

### (2) **Application Fee for Water Service Line Installation Permits**

There are three types of application fees for water service line installation permits. One such fee is for the installation of a water service line, another such fee is for the installation of a fireline, and the last such fee is for the installation of a combination water service line and fireline. Depending upon the type of permit applied for, such a fee shall apply to the respective type of application. The purpose of the fee is to compensate the utility for its expense in processing such type of application and in inspecting such type of installation. The fee shall be due and payable at the time the service line installation application is filed with the utility.

### (3) **Application Fee for Wastewater Service Line Installation Permits**

There are two types of application fees for wastewater service line installation permits. One such fee is for the installation of a domestic user's wastewater service line and the other such fee is for the installation of an industrial user's wastewater service line. Depending upon the type of permit applied for, such a fee shall apply to the respective type of application. The purpose of the fee is to compensate the utility for its expense in processing and inspecting such type of an installation. In addition, the industrial user's fee includes the effort necessary for evaluation of the proposed discharge under the City's pretreatment program whether from an existing or new user. The fee shall be due and payable at the time the service line installation application is filed with the utility.

### (4) **Fee for Special Agreements**

The fee for a special agreement shall apply to any person desiring to enter into a special agreement with the utility, such as but not limited to Conveyance and Guarantee Agreements, Waiver of Right to Protest Agreements, Covenant and Subordination Agreements, Right-of-Way Easement Agreements, etc. The purpose of the fee is to compensate the utility for its expense in processing and approving such agreements. The fee shall be due and payable at the time the special agreement is filed with utility.

**(5) Fee for Performing a Meter Accuracy Test**

The fee for performing a special meter accuracy test shall apply to any customer that desires the municipal water meter serving his/her property be tested for accuracy, as provided for under Section 18-13. The purpose of the fee for performing a special meter accuracy test is to compensate the utility for its cost in performing such a test in those instances where the municipal water meter is found by a test to be within acceptable accuracy limits. The fee shall be due and payable to the utility at the time the request for performing a special meter accuracy test is filed with the utility.

The fee for renting a fire hydrant meter shall apply to any customer that wishes to obtain water from the municipal water system by means of a fire hydrant. The purpose of the fee is to compensate the utility for its investment in such hydrant meters and to allow for accounting of water used for billing and record purposes. The fee may be due and payable at the time such charges are billed to the customer in accordance with applicable provisions of Chapters 12 and 14.

**(6) Fee for Setting/Removing A Construction Hydrant Meter**

The fee for setting/removing a construction hydrant meter shall apply to any person submitting to the municipal water/wastewater utility an application to obtain construction water by means of a construction hydrant meter, as provided for under Section 12-4. The purpose of the fee for setting/removing a construction hydrant meter is to compensate the utility for its expense in setting and removing such a meter. The fee shall be due and payable to the utility at the time the application for construction water is filed with the utility.

**(7) Fee for Performing Fireflow Test**

The fee for the performance of a fireflow test by the municipal water/waste-water utility shall apply to all persons that request the performance of such a test. The purpose of the fireflow test fee is to compensate the utility for its expenses in performing such a test. The fee shall be due and payable to the utility at the time the request for a fireflow test is filed with the utility.

**(8) Fee for Turning Water On**

The fee for turning water on shall be subdivided into two classifications, which are designated as "normal working hours" and "outside normal working hours." The fee for turning water on during normal working hours and the fee for turning water on outside normal working hours, whichever is appropriate, shall apply to all persons that request the utility to turn the water on at a particular parcel of property, with the following exceptions:

- (a) When the water was turned off by the utility for repair of broken pipes or other similar emergencies;
- (b) When a landlord has on file with the utility a signed landlord agreement

for the property in question, as provided for under Section 8-6; or,

- (c) When the turn on is for the purpose of initiating water service to a parcel of property that has not been previously served with municipal water service.

The purpose of the fee for turning water on is to compensate the utility for its expense in turning the water on. The fee shall be due and payable to the utility at the time the request for a turn on is filed with the utility.

**(9) Fee for Tapping Water Mains**

The fee for tapping water mains by the utility shall apply to all persons that request the utility to make such taps. The fee for tapping water mains shall be subdivided into two classifications, which are designated as "small taps" and "large taps." The fee for a small tap shall apply to any person requesting the utility to make a tap having a diameter of two inches and smaller to a public water main. The fee for a large tap shall apply to any person requesting the utility to make a tap having a diameter larger than two inches to a public water main. The fees include the initial visit to the job site with additional fees for subsequent visits and an extra charge for tapping of concrete cylinder pipe due to extraordinary wear on the tapping equipment. The fee shall be due and payable to utility at the time the request for such a tap is filed with the utility.

**(10) Fee for Flushing, Testing, and Chlorinating Water Mains**

The fee for flushing, testing, and chlorinating water mains shall apply to all persons that request the utility to perform such work. The purpose of the fee is to compensate the utility for its expense in flushing a water main and performing a bacteriological test and a chlorine residual test on the water contained therein. The fee shall be due and payable to the utility at the time the request for such work is filed with the utility. There will be no fee for Public Works projects.

**(11) Fee for Utility Bill Inserts**

The fee for utility bill inserts shall be subdivided into two classifications, which are designated as "City departments" and "other agencies." The fee for City departments shall apply to any City department that requests insertion of information for mailing into the bill of the utility. The fee for other agencies shall apply to any other governmental agency that requests insertion of information for mailing into the bill of the utility. The fee shall be due and payable to the utility at the time the insertion request is filed with the utility.

**(12) Fee for Disposal of Septage**

The fee for disposal of septage by the utility shall apply to any authorized septage hauler that requests a permit from the utility to discharge septage collected in Yellowstone County into the City's septage disposal station, which is situated at the wastewater treatment plant. The purpose of the fee for disposal of

septage is to compensate the utility for treating and disposing of such wastes. The fee shall be due and payable to the utility at the time the request for a septage disposal permit is filed with the utility.

**(13) Water Service Line/Fireline Repair Program Fee**

This fee covers the cost of repairs to the water line and/or fireline between the house or business and the water valve for the structure. The property owner is responsible for the maintenance and repair for these water lines and firelines.

**16-10. WATER/WASTEWATER SYSTEM DEVELOPMENT FEES**

Any water and/or wastewater system development fees adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to any person that requests and receives municipal water and/or wastewater service to a previously unserved tract or parcel of property. Such fees shall also apply to any person that requests and receives an upgrade in municipal water/wastewater service to a tract or parcel of property which necessitates the installation of a larger or an additional municipal water meter. The fees shall be due and payable to the utility at the time the building permit is issued. In the event no building permit is required, the fees shall be due at the time the upgrade in service is requested from the utility.

**16-11. CITY FRANCHISE FEES**

The City of Billings Municipal Code states that no utility may be placed in the City right-of-way or other public right-of-way without first obtaining a franchise that provides for fair and reasonable compensation to the City for the use of such right-of-way. Water and sanitary sewer facilities are a utility and as such must pay a fee to the City.

Any franchise fees lawfully adopted/changed by the City Council and levied against the utility shall apply to all customers and all charges of the utility. The provisions set forth in Chapter 14, regarding billing periods, bills due, combined charges, delinquencies, and so on shall apply to franchise fees. The utility shall pay all money collected from franchise fees to the City of Billings for use of its rights-of-way to install water/wastewater lines. Such money shall be deposited in the general fund.

**16-12. STATE FEES**

Any water supply fees, pollution control fees, taxes, and so on lawfully adopted/changed by the State of Montana and levied against the utility shall apply to all customers of the utility. Applicable provisions of Chapter 14 shall apply to these state fees. The utility shall pay all money collected from such fees to the state as required under state law.

**16-13. CHARGES FOR MISCELLANEOUS WORK/SERVICE**

The utility shall require service agreements to be executed by a prospective customer prior to performing any work and/or service for the customer. All charges for work performed by the utility for a customer shall be adequate to cover the utility's expenses,

including but not limited to application, license, construction, permit, and legal fees as well as overhead, but shall not include any profit for the utility. The utility may revise the charges from time to time to reflect current costs, and the utility may estimate such charges and require the prospective customer to deposit an amount equal to such estimated charges with the utility prior to performing such work or service. In the event the utility has overestimated the cost of performing such work, the utility shall refund to the customer any overpayment upon completion of the work by the utility. In addition, the customer shall pay to the utility an amount equal to the difference between the estimated cost and the actual cost in the event the utility has underestimated the cost of the work performed by the utility. The charges shall be due and payable to the utility upon completion of the work performed.

**16-14. LATE PAYMENT INTEREST CHARGE**

The utility shall require delinquent customers to pay a late payment interest charge on any monthly account balances that are not paid in full before the next billing period, which is approximately 25 days. The late payment interest charge shall be applied on the full past due amount, including any special fees or charges.

**16-15. WATER SERVICE LINE REPAIR PROGRAM FEE**

The fee for the Water Service Line Repair Program, which may be changed from time to time by the City Council, shall be added to the water service charge of all active, inside-city, metered water accounts and firelines. The fee shall not be charged to temporary accounts, inactive accounts, and all outside-city accounts. The purpose of the fee is to fund the City's Water Service Line Repair Program. This program minimizes damage to public and private property by providing for the timely and cost-effective repair of that portion of the customer-owned water service line located between the public water main and the customer's property line, including the curb valve, curb box and valves. Customers with delinquent accounts, however, shall not qualify for water service line repairs under the program while their accounts are in arrears. The provisions set forth in Chapter 14 regarding billing periods, bills due, combined charges, delinquencies, and so on shall apply to the Water Service Line Repair Program Fee. All monies collected on account of this fee shall be deposited as required under the adoption resolution for the program.

## **CHAPTER 18 - METERING**

### **18-1. GENERAL**

Except for firelines, all water service lines connected with the municipal water supply system shall be metered by the utility. The utility shall normally read all municipal water meters for commercial accounts monthly and all municipal water meters for residential accounts at least bimonthly to determine customer water usage and/or customer wastewater contributions for billing purposes. In months where the municipal water meter cannot be read, the utility may estimate the meter reading and use the calculated water usage/wastewater contribution to render the bill for the customer involved. The utility shall not estimate a meter reading for a customer more than four consecutive months without first making every effort to read the meter in question.

### **18-2. METERS FOR NONUSERS OF MUNICIPAL WATER SUPPLY SYSTEM**

Owners of non-residential properties connected to the municipal wastewater system but not connected to the municipal water system shall, at their expense, purchase and install a meter on the water service line prior to initiating municipal wastewater service. The meter reading will be used to calculate the monthly wastewater bill. Such meters shall be of a size, type, and make and set at such a place as shall be designated by the Public Works Director. Property owners at their expense shall keep their meters in good repair and shall have such meters tested for accuracy prior to initial installation and at least every five years thereafter or as often as may be directed by the Public Works Director. Such meters shall meet or exceed the standards of the American Water Works Association (AWWA) for such type meters. For un-metered residential accounts using the municipal wastewater system but not connected with the municipal water supply system, the utility may, for billing purposes, use an estimated monthly water consumption equivalent to twice the average monthly water use of its residential customers during the months of December, January, February, and March. Metered residential accounts will have their monthly wastewater bill calculated as set forth in Section 16-6.

### **18-3. UTILITY'S RESPONSIBILITY**

It shall be the utility's responsibility to:

- (1) Furnish and maintain a municipal water meter and any required remote reading equipment on every water service line other than those intended for firefighting purposes, connected with the municipal water supply system. The utility will also supply meter horns with dual check valves for 1 inch and smaller meters;
- (2) Determine the size of the municipal water meter to be installed on any water service line connected with the municipal water supply system;
- (3) Inspect and test all municipal water meters prior to installation on water service lines to ensure that such meters meet or exceed the standards of the American Water Works Association for such type meters, except that in the case of new meters, utility may, at its discretion, rely upon the manufacturer's certified test results in lieu of testing the new meters itself;



- (4) When deemed necessary for accuracy, replace all 5/8-inch through 2-inch municipal water meters at intervals not to exceed 25 years;
- (5) Test and replace, if needed, all three-inch and larger municipal water meters every three years;
- (6) Ensure that all municipal water meters are properly sealed at the time of installation on water service lines and, at the utilities discretion, before changing any customer account to a new party; and,
- (7) Periodically check all municipal water meters that are in service for tampering, bypassing, or any other acts of water theft.

#### 18-4. **CUSTOMER'S RESPONSIBILITY**

It shall be the customer's responsibility to:

- (1) Provide a location for installation of the municipal water meter that is readily accessible, is safe for employees to enter, and properly protects the meter from damage due to freezing or other adverse conditions;
- (2) Furnish, install, and maintain an approved outside meter box/ vault, when required by the Public Works Director, as well as any pipe, fittings, valves, expansion tanks, backflow prevention devices, pressure reducing devices, and other appurtenances required to meet the standards of the utility for the type metering facility involved;
- (3) Obtain the written approval of the utility in advance of installing the plumbing for a large municipal water meter (1½-inch and larger), whether it be set inside or outside the building to be served; and,
- (4) Protect the municipal water meter from tampering, bypassing, or any other acts of water theft.
- (5) In large developments where it is deemed impractical to service the development with dual fireline and domestic water services using two separate lines, a single metered water service line, shared by a fireline and domestic water service, may be installed upon approval by the Public Works Director. The water meter shall be a "fire service meter" built to City of Billings specifications and purchased by the owner of the property.

#### 18-5. **INSIDE METERING FACILITIES**

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

- (1) The municipal water meter and backflow prevention device shall be installed in a

horizontal position, or as otherwise directed by utility, not over two feet above the floor, and shall be located within three feet of the point where the water service line enters the building or, where the meter is located in a crawlspace, within three feet of the crawlspace entrance which shall be a minimum of 24" x 24";

- (2) The municipal water meter shall be located near a floor drain if at all possible;
- (3) A valve shall be installed just before and one just after the municipal water meter to allow removal and replacement of the meter without first draining the entire service line and building plumbing;
- (4) A municipal water meter having the size of 1½-inches or larger shall have a valved bypass installed around the meter to provide continuous service when the meter is out for repair;
- (5) A 22 gauge, 3-wire solid conductor (no stranded wire) shall be installed between the water meter and the point on the building where the gas and/or electric meters are located.
- (6) The remote water meter reading equipment shall be installed on the outside of the building to be served.

#### 18-6. **OUTSIDE METERING FACILITIES**

An outside meter box/vault shall be approved by the utility prior to construction, shall meet the standards and specifications of the utility, and shall meet the following general requirements:

- (1) A meter box/vault/house will be required where the maximum distance between the street right of way and the building foundation exceeds 250 feet.
- (2) The meter box/vault/house shall be located on private property at or near the point where the water service line enters the property to be served and outside any driveway or roadway;
- (3) The meter box/vault/house shall be located near a driveway or turnout and shall be readily accessible to utility vehicles without causing damage to public or private property or endangering the public or utility personnel;
- (4) The meter box/vault/house shall be waterproof and shall be large enough to safely and easily install, maintain, and replace the municipal water meter, backflow prevention device, if required, and other appurtenances;
- (5) The municipal water meter and backflow prevention device shall be installed within the meter box/vault/house in a horizontal position, or as otherwise directed by utility, not over two feet above the floor;
- (6) A valve shall be located before and one after the municipal water meter to allow removal of the meter without first draining the water service line and the yard and

building plumbing;

- (6) A municipal water meter having a size of 1½-inches or larger shall have a valved bypass installed around the meter to provide continuous service when the meter is out for repair.

**18-7. USE OF INSIDE/OUTSIDE METERING FACILITIES**

As a condition of service, a customer shall normally provide inside metering facilities meeting all the requirements of Section 18-5. The Public Works Director may, however, require any customer to install an outside meter box/vault/house meeting the requirements of Section 18-6, as a condition of providing/continuing water/wastewater service to the property involved. Conversely, the Public Works Director may also require a customer to replace defective outside metering facilities with inside metering facilities meeting the requirements of Section 18-5 as a condition of continuing water/wastewater service to the property involved.

**18-8. PERMANENT AND TEMPORARY METER INSTALLATIONS**

When a municipal water meter is installed at the request of a customer, its installation is deemed to be permanent unless the customer discontinues service entirely. Service on a municipal water meter for a shorter period than six months shall be considered temporary. The customer shall be required to reimburse the utility for the cost of installing and removing a temporary municipal water meter.

**18-9. SUB METERS**

Customers desiring one or more sub meters for various tenants shall furnish, install, maintain, and read such meters at their own expense. The utility shall not furnish, install, maintain, read, or bill on such meters. Further, all municipal water/waste-water charges for a single water service line shall be billed to and shall be paid by the person named on the water service application for the property involved.

**18-10. STANDARD METER INFORMATION**

A customer requiring a municipal water meter larger than six inches may be provided with multiple meters manifolded together to meet the customer's water demands, with the number of meters and their sizes determined by the utility. Meters and water service lines to be installed to serve water filling stations shall be limited to a size of two inches or less unless otherwise authorized in writing by the Public Works Director.

**18-11. SINGLE METER PER SERVICE LINE**

The utility will provide only one municipal water meter for a single water service line except for those that require meters larger than six inches and where a sprinkling meter or deduct meter has been approved to be set on the water service.

**18-12. INTERCONNECTED WATER SERVICE LINES**

A customer served by two or more water service lines that are interconnected shall have a backflow prevention device located on each water service line at its metering facility to prevent circulation of the water through the customer's meter and water service lines and back into the municipal water supply system.

**18-13. SPECIAL METER ACCURACY TESTS**

When a customer makes a complaint that the municipal water/wastewater charges for any particular billing period are excessive, the utility shall, upon request, reread the municipal water meter for the customer involved and may inspect the residential customer's plumbing for leaks. Should the customer then desire that the municipal water meter be tested, the customer shall make a deposit with the utility to cover the cost of making the test. The utility will then test the meter in question. Should the meter on test show a registration in excess of three percent (3%) in favor of the utility, the amount deposited shall be refunded to the customer and the utility shall make an adjustment for the estimated excess consumption on the bill immediately preceding and/or the current bill. The excess registration on the reading for the previous and/or current month shall be credited to the customer's account. Where no such error is found in favor of the utility, the amount deposited will be retained by utility to cover the expense of performing the test.

**18-14. REPLACEMENT OF METERS**

Whenever a customer requests the replacement of the municipal water meter, such request shall be treated as a request for a test of the meter. As such, it shall be handled by the utility in the manner set forth in Section 18-13.

**18-15. STANDARD OF METER ACCURACY**

The utility shall not place in service or allow to remain in service without adjustment any municipal water meter that has a known error in registration of more than plus or minus three percent (3%).

**18-16. NONREGISTERING METER**

When the municipal water meter fails to register for any period, and the reason for the malfunction is beyond the reasonable control of the utility, the utility may estimate the charge for municipal water/wastewater service during the period in question.

**18-17. TESTING AND REPAIRING METERS**

The utility may test and/or repair a municipal water meter at any time, and for this purpose the utility may temporarily shut off the water to a customer.

**18-18. DAMAGED METERS AND EQUIPMENT**

Whenever a municipal water meter, meter horn, check valve, cable, remote read

device, or any other equipment owned by the utility is damaged by the carelessness or negligence of the customer, the utility shall repair/replace the damaged equipment and charge the cost of doing so against the customer's account. Failure to pay this charge shall be just cause for the utility to discontinue water/wastewater to the property involved until the total amount due is paid plus payment of any applicable charges for discontinuance and/or reestablishment of service.

**18-19. PROHIBITED TAPS/CONNECTIONS**

It is prohibited for any customer to make a tap to or maintain a connection with the customer's water service line at a point located upstream of the municipal water meter. Such taps/connections shall be treated as a bypass around the meter and subject to the provisions of Section 18-20.

**18-20. METER TAMPERING/BYPASSING**

It is prohibited for any person to bypass or tamper with the municipal water meter. It is also prohibited for any person to receive municipal water/wastewater service knowing that the measurement of such services is being affected by bypassing or tampering. In case a meter seal is broken or the working parts of the meter have been tampered with or the meter damaged or bypassed, the utility will, in addition to any other penalties provided by law, estimate the time period the tampering took place and will render an estimated bill for that time period to the customer involved. The utility will also bill the customer for the full cost of repairing such damage to the meter, and may refuse to furnish water until the customer's account is paid in full, plus payment of any applicable charges for discontinuance and/or re-establishment of service.

**18-21. RELOCATION OF METERS**

A customer requesting relocation of the municipal water meter after its initial installation shall bear all costs associated with relocating the meter.

**18-22. MAINTENANCE OF OUTSIDE METER BOXES/VAULTS**

A customer shall at his/her expense keep his/her outside meter box/ vault and appurtenances in good repair, readily accessible, and in a safe and useable condition at all times. Failure to do so shall be deemed just cause to discontinue municipal water/wastewater service to the customer involved as provided in Section 6-8(3).

**18-23. FIRE HYDRANT METERS**

The following provisions and conditions shall govern the setting, use, and removal of municipal fire hydrant meters:

- (1) Only fire hydrants owned by the utility shall be used for this purpose. Privately owned hydrants and those fire hydrants situated outside the city and owned by the County shall not be used for this purpose, unless agreed otherwise in writing by the Public Works Director. In such cases, the party using such hydrants shall release the utility from liability for damage to the hydrant in a form acceptable to

the utility. The utility reserves the right in all cases to determine upon which particular fire hydrant a municipal fire hydrant meter shall be installed.

- (2) The applicant for a meter shall sign the application for such service, shall be responsible for the payment of all fees and charges for such service, and shall be responsible for the protection and care of the meter while it is in use. In addition, any damages to public or private property, including the municipal fire hydrant meter and the municipal water supply system, caused by the applicant's use of the municipal fire hydrant meter shall be immediately repaired by the applicant at the applicant's expense. Further, it shall be the applicant's responsibility to secure the operating valve on the municipal fire hydrant meter whenever the applicant is not using the meter so as to preclude unauthorized use of water through the meter.

If no water usage is registered through the hydrant meter for any one month period, the utility will consider the meter abandoned and the meter will be removed.

- (3) Only utility personnel shall install and/or relocate a municipal fire hydrant meter. Further, such a meter shall not be installed on a fire hydrant in a manner that will interfere with the fire department's use of the four-inch, pumper nozzle.
- (4) The utility shall not relocate a fire hydrant meter for an applicant without the applicant's first having obtained a new permit and having again paid to the utility the appropriate fire hydrant meter setting/removal fee. Such relocations shall be limited to a maximum of one per day for each applicant.
- (5) Municipal fire hydrant meters shall normally be set on the basis of permit dates, with the earliest date having first priority.
- (6) Applicants shall give the municipal water/wastewater utility at least 24 hours notice of their need to have a municipal fire hydrant meter installed.
- (7) A fire hydrant meter may not be installed during months when the weather may subject it to freezing. Further, since service from a municipal fire hydrant meter is considered temporary, such a meter shall not be installed at any one location for a period greater than 6 months nor less than one day.
- (8) Applicants for a municipal fire hydrant meter shall ensure that their filling operations do not cause a cross connection or excessive pressure surges. Failure to do so shall be deemed just cause to immediately remove the municipal fire hydrant meter from service. Such service shall not be restored until the applicant takes corrective action, takes out another municipal fire hydrant meter permit, and pays the appropriate permit fees to the utility.
- (9) Any person tampering with or bypassing a municipal fire hydrant meter shall be punished as provided in Section 18-20.
- (10) Applicants shall supply the necessary fire hose for connection to the hydrant

meter. This hose shall be a minimum of one and one-half inches (1½”) in diameter.

(11) Backflow Assembly Requirements for Hydrant Meters:

- a) Applicants shall provide at their own expense a minimum of a 2-inch reduced pressure principal backflow assembly with appropriate hydrant fittings to be connected to the downstream end of the meter.
- b) The applicant shall provide support for the assembly and meter as approved by the Public Works Director or designee.
- c) The applicant shall provide with the application an up to date inspection and test report for the assembly to be used at the time the application for a hydrant meter is signed by the applicant.
- d) Each hydrant meter shall have its own separate backflow assembly.
- e) The applicant shall have the assembly inspected and tested every six months with the reports submitted to the Public Works Utility Commercial and Meter Division. The tests shall remain current for the duration that the assembly is in use. Meters having assemblies with expired dated tests reports will be removed from service. It is the applicant’s responsibility to have test performed by a certified backflow prevention assembly tester. Assemblies in use shall have a passing test. A new test may be required if the assembly appears to have been vandalized or malfunctioning as determined by the Public Works Director of designee.
- f) All assemblies and testing shall be at the applicant’s expense.
- g) The standards for cross-connection control shall be as referenced in the Manual of Cross-connection Control (latest edition) from the Foundation for Cross-Connection Control and Hydraulic Research University of Southern California.

18-24. **SECONDARY WASTEWATER METERS**

Secondary wastewater meters that are to be installed under the provisions of Section 14-11 shall be furnished, installed, and maintained by the owners of the property to be served by such meters. In addition, such meters shall be of a size, type, and make and set at such place as shall be designated by the Public Works Director. Such meters shall meet or exceed the standards of the American Water Works Association for such type meters.

18-25. **SPRINKLING METERS**

Sprinkling meters are used to measure the amount of water delivered by the utility to a customer exclusively for lawn and garden irrigation. Said meters shall only be installed on water service lines serving property situated within the corporate city limits. Further,

said meters shall either be installed on separate, independent water service lines or else be installed on branch water service lines which are connected to the customer's main water service lines at a point located upstream of the regular municipal water meters. Non-residential customers may be allowed, at the utility's discretion, to install a separate sprinkling meter connected ahead of the municipal water meter inside the building. Contrary to the provisions of temporary services outlined in Chapter 12, such a service arrangement will be considered permanent and will be billed on a monthly basis year around regardless of water use. The installation of sprinkling meters shall comply with Sections 34-24 Protective Devices and 34-25 Plumbing Code.

#### 18-26. **DEDUCT METER**

A deduct meter is used to measure the amount of lawn/landscape irrigation water not discharged to the sanitary sewer. A deduct meter shall only be located on a water service that is labeled "commercial account" by definition. The measurement of the deduct meter shall be deducted from the consumers sewer usage based upon the reading of the master/domestic water meter. The water measured through the deduct meter shall be charged the current seasonal rate. The deduct meter shall be used only for irrigation purposes. There shall be no permanent or temporary piping that passes water from the deduct meter to any interior fixture. The deduct meter shall be located a maximum of 15 feet downstream of the master/domestic water meter and in the case of an indoor location shall be located within the same room as the master/domestic water meter. Only one deduct meter per domestic water service line will be allowed. If payment is delinquent for either the master/domestic meter and or the deduct meter, the water service will be turned off until such time both accounts are paid in full. The installation of deduct meters shall comply with Sections 34-24 "Protective Devices" and 34-25 "Plumbing Code".



## **CHAPTER 20 - USE OF WATER SERVICE**

### **20-1. WASTE OF WATER**

Customers shall keep all waterways closed when not in use. Further, customers must keep their water service lines, valves, fixtures, appliances, and other equipment in good order at all times and at their own expense. Leaking water service lines, valves, fixtures, appliances, and other equipment shall be repaired at once by the customer without waiting for notice from the utility.

### **20-2. CROSS CONNECTIONS**

Furnishing of water service to any customer or prospective customer shall be contingent upon the customer furnishing a type of connection approved by the utility as capable of protecting the utility's water supply from contamination due to backflow and back siphonage. It shall be prohibited for the owner or occupant of any premise using water supplied by the utility to cross connect such water supply with a foreign source of water or with any appliance, appurtenance, hose, pipe, or other fixture in such a manner that there is a possibility that water or other substances from such foreign source may flow, be siphoned, or be forced into the municipal water system.

### **20-3. RESALE OF WATER**

The utility's water rate schedules cover the sale of water for the sole and exclusive use of the customer. Only the customer shall use water service for the purposes specified in the service agreement, contract, or applicable rate schedules. Customer shall not re-meter, sell, or permit any other individual to use such service or secure water through customer's service line by hose or other devices for the purpose of supplying water to the individual's property without first obtaining written permission to do so from the utility.

### **20-4. WATER USE RESTRICTIONS**

The Public Works Director is authorized and empowered to determine and establish the times and hours when water may be used for watering and sprinkling lawns and gardens and may set and fix times when no water may be used for such purposes. Further, the Director may make such rules and regulations regarding the use of water as the Director may find necessary to maintain an adequate supply of water in the reservoirs for fire protection of the city or for other public health and safety reasons.

### **20-5. UNLAWFUL SPRINKLING OF LAWNS AND GARDENS**

Any person using water for the purpose of watering or sprinkling of any lawn and/or garden at a time prohibited by the rules and regulations established by the Public Works Director shall be guilty of a misdemeanor.

## CHAPTER 22 - USE OF WASTEWATER SERVICE

### 22-1. DISCHARGING CERTAIN MATTER INTO SEWERS PROHIBITED

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sanitary sewer:

- (1) Pollutants which create a fire or explosion hazard in the Public Owned Treatment Works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR Section 261.21. The Administrator may require industrial users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one reading more than ten percent (10%), of the Lower Explosive Limit (LEL) of the meter.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or greater than 12.5.
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in the Interference.
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees Celsius (104°F) unless the EPA, upon request of the POTW, approves alternate temperature limits.
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

Any discharge containing a toxic, poisonous or infectious substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems or create any hazard in the receiving waters of the POTW.

- (8) Any trucked or hauled pollutants except as approved by the City in writing and discharged at the Waste Water Treatment Plant (WWTP) septage receiving

station.

- (9) Any water or waste containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of one hundred milligrams per liter (100 mg/L) except:
  - (i) A food service establishment that has installed and is properly operating and maintaining a grease interceptor and implementing required BMPs; or
  - (ii) An Industrial User that is permitted as for trucked and hauled waste and discharges its waste at a discharge point specified by the City and in full compliance with its permit.
- (10) Removing wastes collected in a grease trap, grease/sand interceptor, waste collection tank or other treatment device and reintroducing any portion of the wastes back into the wastewater collection system either directly or indirectly.
- (11) Stormwater drainage from ground resulting in Infiltration and Inflow (I&I) through the Industrial User's service line(s) or surface, roof drains, catch basins, unroofed area drains (e.g. commercial car washing facilities) or any other source unless otherwise approved by the Administrator. Specifically prohibited is the connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to the District's wastewater collection system. No person shall connect or discharge water from underground drains, sump pump discharges, natural springs and seeps, water accumulated in excavation or grading or any other water associated with construction activities unless specifically authorized by the Administrator.
- (12) Any substance which may cause the POTW's effluent, sludge, or residue to be unsuitable for, or interfere with, the reclamation or reuse process.
- (13) A Slug Discharge as defined in BMCC Section 26-602.
- (14) Any substance which will cause the POTW to violate the MPDES permit or the receiving water quality standards.
- (15) Any pollutant discharged directly into a manhole or other opening in the POTW unless specifically authorized by the City or as otherwise permitted under BMCC 26-600.
- (16) Liquid wastes from chemical toilets, and trailers, campers or other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the Public Works Director to collect such wastes.
- (17) No chemicals, materials, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings.

Containers shall be clearly labeled and stored in a place where the chemicals, materials, substances or wastes, in case of leakage or rupture of the container, cannot enter the wastewater collection system. The storage of any chemicals, materials, substances or wastes that leak or have potential to leak or discharge into the wastewater collection system which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.

- (18) Any water contaminated as a result of discharge from above ground and/or underground gasoline, diesel fuels, fuel oil, kerosene, and jet fuel tanks, tank accessories, and/or pipelines without applying for and obtaining a permit prior to discharge.
- (19) Any wastes containing detergents, surface-active agents, or other substances in concentrations which cause excessive foaming in the POTW or cause or contribute to interference or pass through.
- (20) Wastes that have been collected and/or held in a tank or other container and where such wastes fail to comply with any pretreatment standard.
- (21) Any radioactive substance, the discharge of which, does not comply with limits established by the City or other regulations set forth by the Montana Department of Environmental Quality or that violates any applicable federal standards.
- (22) Any water or waste which contains grease or oil or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
- (23) Any garbage that has not been properly shredded.
- (24) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other Interference with the proper operation of the POTW.
- (25) Any discharge containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the WWTP.
- (26) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (27) Any wastes from vehicle washing facilities, recreational vehicle (RV) dumps, or any wastes from floor drains located inside buildings utilized to maintain, repair or house vehicles or other motorized equipment unless approved in writing by the

Public Works Director or designee.

## 22-2. **GREASE, OIL, AND SAND INTERCEPTORS**

All proposed interceptors shall be approved by the Public Works Director or designee. Submitted plans shall include specifications and calculations for the sizing of the interceptor.

Any change in use from the original design may require review approval by the Public Works Director or designee. Based upon the new intended use, the owner may be required to disconnect it from the sanitary sewer. Point of discharge, such as, but not limited to, the storm sewer system, may also be considered when evaluating the continued use of previously approved interceptors.

Grease, oil, and sand interceptors shall be provided by the owner when, in the opinion of the Public Works Director or designee they provide the necessary and appropriate pretreatment of liquid wastes. Wastewater generally deemed appropriate for treatment by sand and oil interceptors includes (a) vehicle wash water where road grime is the principal contaminant and (b) vehicle snowmelt in cases where the applicant is able to clearly demonstrate a need. Grease interceptors are most appropriate for wastewater from food service establishments where animal and vegetable fats are the principal contaminants. Such interceptors shall not be required for private living quarters or dwelling units.

Grease, oil, and sand interceptors will generally not be approved for installation in shop floors, vehicle maintenance areas, or other locations deemed inappropriate by the Public Works Director or designee. Evaporative trench drain systems and dry shop operations are the waste management options preferred by the Public Works Department. Oil and hazardous substances shall not be discarded to approved interceptors. Facilities with approved interceptors are subject to periodic inspection by the Public Works Department.

All interceptors shall be of a type and capacity as approved by the Public Works Director or designee and shall be readily and easily accessible for cleaning and inspection.

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

## 22-3 **GREASE TRAPS**

Under the sink grease traps are permitted in certain applications, including food services, and must be approved by the Public Works Director or designee. Discharge to the grease trap cannot exceed four fixtures per the International Plumbing Code. A grease trap is not appropriate for use on heated water (e.g. dishwasher) or in-line to a waste disposal unit (e.g., garbage disposal and garbage grinders).

**22-4. MAINTENANCE OF INTERCEPTORS AND GREASE TRAPS**

Installed, grease, oil, sand interceptors and grease traps shall be maintained and cleaned by the owner, at the owner's expense, to ensure efficient and effective operation. The owner must retain service cleaning and hauled waste manifests for a period of three years.

**22-5. APPROVAL REQUIRED FOR DISCHARGE OF CERTAIN WATERS OR WASTES**

The Public Works Director's or designee's approval shall be required for the admission into the public sanitary sewers of any waters or wastes having the following characteristics:

- (1) A five-day biochemical oxygen demand greater than 2,000 milligrams per liter;
- (2) More than 2,000 milligrams per liter of total suspended solids;
- (3) Containing any quantity of substances described in Section 22-1; and/or,
- (4) Having an average daily flow greater than two percent (2%) of the average daily wastewater flow entering the municipal wastewater treatment plant.

**22-6. PRELIMINARY TREATMENT FACILITIES**

The owner shall provide facilities meeting the requirements set forth in these rules and regulations at the owner's expense where necessary, in the opinion of the Public Works Director or designee, to provide preliminary treatment of any waters or wastes to:

- (1) Reduce the 5-day biochemical oxygen demand in such waters or wastes to at least 2,000 milligrams per liter;
- (2) Reduce the total suspended solids in such waters or wastes to at least 2,000 milligrams per liter;
- (3) Reduce objectionable characteristics or constituents in such waters or wastes to within the maximum limits provided by this chapter; and/or,
- (4) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and other pertinent information concerning the proposed facilities shall be submitted for the approval of the Public Works Director or designee and the State Department of Public Health and Human Services. No construction shall be commenced until such approvals are obtained in writing.

**22-7. MAINTENANCE OF PRELIMINARY TREATMENT FACILITIES**

Preliminary treatment facilities shall be maintained in satisfactory and effective operation by the owner at the owner's expense.

22-8. **CONTROL MANHOLES**

When required by the Public Works Director or designee, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole, with measuring and sampling devices included in the building sewer to facilitate observation, sampling, and measurement of the waters or wastes. Such manhole and appurtenances, when required, shall be readily accessible and safely located and shall be constructed in accordance with plans approved by the Public Works Director or designee. The manhole and appurtenances shall be installed by the owner at the owner's expense and shall be maintained and be both readily and safely accessible at all times. All equipment must be maintained in satisfactory and accurate operational condition.

22-9. **WASTEWATER TESTING AND ANALYSES**

All measurements, tests and analyses of the characteristics of the waters and wastes to which reference is made in Sections 22-1 and 22-5 shall be determined in accordance with 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, unless specified otherwise, and shall be determined at the control manhole provided for in Section 22-8 or upon suitable samples taken at such control manhole. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest manhole downstream to a point in the public sanitary sewer at which the building sewer is connected.

## **CHAPTER 24 - PRETREATMENT OF INDUSTRIAL WASTES**

***(NOTE: The following Rules and Regulations are to supplement the provisions of Article 26-600, BMCC.)***

### **24-1. METHODOLOGY**

Unless specified otherwise, all measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with either (a) the latest edition of the "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association and American Water Works Association, (b) the ASTM Annual Book of Standards, or (c) the "Methods for Chemical Analysis of Waters and Wastes," as published by the EPA, unless specified otherwise.

### **24-2. ADMINISTRATIVE ACTIONS**

Whenever the Public Works Director or designee determines that a significant industrial user is contributing to the municipal wastewater system any of the substances referred to in Article 26-600, BMCC, in such amounts as to interfere with the operation of the municipal wastewater system or to constitute a harmful contribution to the municipal wastewater system, the Public Works Director or designee shall:

- (1) Notify the significant industrial user in accordance with Section 24-11 and develop and apply specific effluent limitations and pretreatment requirements for the significant industrial user to correct the interference with or harm to the municipal wastewater system.
- (2) Take any actions as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the municipal wastewater system and/or endangerment to any individuals.

### **24-3. PRE-EMPTION BY 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 Article 26-600, BMCC, for sources in that subcategory, shall immediately supersede the limitations imposed under Article 26-600, BMCC. The Public Works Director or designee shall notify all affected significant industrial users of the applicable reporting requirements under CFR Section 403.12. Failure to notify shall not relieve a significant industrial user from any requirements under the law.

### **24-4. MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

When the municipal wastewater treatment plant has achieved consistent removal of pollutants limited by National Pretreatment Standards, the City may apply to the approval authority for modification of or exemption from specific limits in the National Pretreatment Standards.



24-5. **STATE REQUIREMENTS**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in Article 26-600, BMCC.

24-6. **CITY'S RIGHT OF REVISION**

Notwithstanding the provisions of Section 24-3, the City reserves the right to establish by ordinance, resolution, rules and regulations, or permit more stringent specific pollutant limitations or pretreatment requirements pursuant to Section 26-604, BMCC, for discharges to the municipal wastewater system, if deemed necessary to comply with the objectives and intent of Section 26-601, BMCC.

24-7. **INDUSTRIAL DISCHARGE PERMITS**

(1) **Permit Application.**

Significant industrial users required to obtain an Industrial Discharge Permit as set forth in Section 26-606, BMCC, shall complete an application and submit it with an application fee to the Public Works Director or designee. The significant industrial user shall submit, in units and terms suitable for evaluation, all information required by the permit application and any supplemental information requested. All significant industrial users connected to or discharging to the municipal wastewater system that are determined to be subject to Industrial Discharge Permit requirements shall apply immediately. Other significant users proposing to connect to the system who are determined to be subject to Industrial Discharge Permit requirements shall apply at least 30 days prior to commencing discharge. When a significant industrial user becomes subject to a National Categorical Pretreatment Standard and has not previously submitted an application for an Industrial Discharge Permit, the significant industrial user shall apply for an Industrial Discharge Permit within 60 days after the promulgation of the applicable National Categorical Pretreatment Standard.

(2) **Issuance**

After evaluation of the permit application, the Public Works Director or designee may issue an Industrial Discharge Permit subject to terms and conditions provided herein. In determining whether a permit shall be issued and/or what conditions shall be applied, the Public Works Director or designee shall consider all applicable National Categorical and Local Pretreatment Standards as well as those factors listed in Article 26-600, BMCC.

(3) **Permit Conditions**

Industrial Discharge Permits and significant industrial user permittees shall be subject to all the provisions of Article 26-600, BMCC, and all other applicable City laws, user charges, and fees. Permits shall contain, but shall not be limited to, the following requirements or terms and conditions:

- (a) Notice of the general and specific prohibitions required under Article 26-600, BMCC.
- (b) Prohibitions on discharge of any specific materials.
- (c) Notice of applicable National Categorical Pretreatment Standards.
- (d) Limits equal to or more stringent than the Specific Pollutant Limitations as established pursuant to Section 26-604, BMCC, concerning average and maximum wastewater constituents, and on characteristics of either the individual industrial process wastes or combined industrial wastewater discharge.
- (e) Limits on average and maximum rate and time of discharge, or requirements for flow regulations and equalization.
- (f) Monitoring facilities as described in Section 26-605 (D), BMCC.
- (g) Monitoring programs, which may include sampling locations; frequency of sampling; number, types, and standards for tests; reporting schedules; and pollutants to be monitored.
- (h) Installation, maintenance, and cleaning of any pretreatment facilities that are necessary to achieve compliance with the requirements of Article 26-600, BMCC, including filtration; chemical treatment; grease, oil, and sand traps; and other necessary equipment.
- (i) Compliance schedules and any periodic progress or compliance reports required by Article 26-600, BMCC, or by federal pretreatment regulations, including 40 CFR 403.12.
- (j) Submission of technical reports or discharge reports, as provided for in Section 26-611, BMCC, and Section 24-8.
- (k) Maintenance and retention of plant records relating to wastewater discharge for a minimum of three years or as specified by the Public Works Director or designee.
- (l) Notification of the Public Works Director or designee of (1) any discharge of new wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the municipal wastewater system and (2) accidental or slug discharge of wastewater.
- (m) Notification of any slug or accidental discharge as per Section 26-611, BMCC, and Section 24-11.
- (n) Agreement by the industrial user (1) to allow reasonable access by the

City to ensure compliance with permit conditions, (2) to agree to perform and comply with all permit conditions, and to (3) submit to the remedy of specific performance for breach of contract.

- (o) Permit duration and conditions of transfer.
- (p) Penalties for violations.
- (q) Other appropriate conditions, in the judgment of the Public Works Director or designee, necessary to ensure compliance with Article 26-600, BMCC.

**(4) Permit Duration**

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years at the City's discretion or may be stated to expire on a specific date. Each significant industrial user shall apply for permit renewal at least 90 days prior to the expiration date of the existing permit.

**(5) Permit Modifications**

The terms and conditions of any permit may be subject to modification by (a) the Public Works Director or designee during the term of the permit as limitations or requirements, as identified in Sections 26-604, 26-606 and 26-611, BMCC, (b) the modification of Rules and Regulations set forth herein, or as other just cause exists. The significant industrial user shall be notified of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

**(6) Permit Transfer**

Industrial Discharge Permits are issued to a specific significant industrial user for a specific operation. An Industrial Discharge Permit is not transferable and is voidable if reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without written approval by the Public Works Director or designee.

**24-8 REPORTING REQUIREMENTS**

- (1) The compliance reports required by Sections 26-611(a) and (c), BMCC, shall indicate the average and maximum daily flow or predicted flow for the process units in the significant industrial user facility subject to the federal, state, or city standards and requirements, whether these standards are being met on a consistent basis and, if not, what additional operations, maintenance, or pretreatment is or will be necessary to bring the significant industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an designee of the significant industrial user and shall be certified by a qualified professional engineer or a person with adequate

wastewater discharge experience as determined by the Public Works Director or designee.

(2) **Mass Limits**

The Public Works Director or designee may impose mass limitations in addition to concentration limitations on significant industrial users expressly authorized by an applicable categorical pre-treatment standard to use dilution to meet applicable pretreatment standards or requirements or upon other significant industrial users when deemed necessary. In such cases, the records and reports required by Section 24-7(3)(k) and Section 26-611, BMCC, shall also indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant industrial user. These reports shall contain the results of sampling and analysis of the discharge including the flow, nature, concentration, production, and mass of pollutants limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the Industrial Discharge Permit.

24-9. **PUBLICATION OF VIOLATORS LISTING**

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. In addition, any Industrial User found to be in Significant Noncompliance with BMCC 26-614 shall also be published in the newspaper.

24-10. **AVAILABILITY OF RECORDS**

All records relating to compliance with pretreatment standards or requirements shall be made available to the Public Works Director or designee, officials of the EPA, or the State Department of Health & Environmental Sciences upon request to the Public Works Director or designee.

24-11. **NOTIFICATION OF VIOLATION**

Whenever the City finds that any significant industrial user has violated or is violating Article 26-600, BMCC, and Industrial Discharge Permit, or any prohibition, limitation, condition, or requirements contained therein, the Public Works Director or designee, in his discretion, may either immediately cite the violator or may serve upon such person a written notice stating the nature of the violation, corrective action necessary, and the time limit for its satisfactory correction. Violation of any permit condition shall be considered to be a violation of the Article. Within the time limit stated in said notice, the significant industrial user shall submit to the Public Works Director or designee evidence of the satisfactory correction of the violation or a plan to correct the same.

## **CHAPTER 26 - WATER SERVICE AREA**

### **26-1. INTENT AND PURPOSE**

The intent and purpose of the rules and regulations set forth in this chapter is to:

- (1) Adopt an official water service area that specifically designates that particular territory which is to be served with water service from the municipal water supply system;
- (2) Provide for an orderly, planned, and cost effective method of enlarging the water service area so adopted;
- (3) Promote annexation to the corporate city limits of all properties to be served with municipal water service from the municipal water supply system; and,
- (4) Ensure public participation and comment in the decision making process with respect to all enlargements of the water service area into an unannexed area of the City of Billings hereafter to be granted by the City Council.

### **26-2. THE WATER SERVICE AREA**

The water service area for the city is that area within the boundaries of the city, any areas presently served outside the city, and any subsequently approved amendments thereto. A map depicting the water service area adopted herein, and any enlargements shall be made available at all times for public inspection during regular working hours at the Public Works Department Service Center, 2251 Belknap Avenue, Billings, Montana.

### **26-3. PROHIBITED ACT**

It is prohibited for any person to extend, or cause to be extended, beyond the water service area boundary any public or private water system facilities that are, in turn, either directly or indirectly connected with the municipal water supply system.

### **26-4. ANNEXATION REQUIREMENTS**

- (1) Unless this section is waived by the Mayor and City Council as provided by City code section 26-207, all properties to be included within the water service area shall be annexed or an attempt at annexation shall be made first and before any water service area enlargement applications may be considered. Further, whenever possible the property being considered for inclusion in the water service area shall be annexed to the city rather than accepting waivers of the property owner's right to protest annexation of said property to the city. Waivers may be accepted by the City Council in its sole discretion only in those particular cases where good and sufficient cause is shown and a hardship would result if waivers were not accepted. Any waivers must be in legal form as approved by the City Attorney; be recorded with the County Clerk and Recorder, Yellowstone

County, Montana; run with the land; and shall be signed by owners of the majority of the land area and by a majority of the land owners of the area to be considered for inclusion in the water service area.

- (2) Unless this section is waived by the Mayor and City Council as provided by City code, the property owner shall first petition the City to annex the property involved prior to submission of a water service area enlargement application. The City Council shall then consider such petition.
- (3) The City Administrator or designee shall notify in writing the prospective applicant of denial of annexation or right to file waivers or both, and approval or denial of enlargement of the service area. If approved, the applicant shall be notified as to when the requirements set forth in this section have been satisfactorily completed and authorize said applicant to proceed with the service area enlargement application.

#### **26-5. ENLARGEMENT APPLICATION**

Applications and required documentation for water service area enlargements into unannexed areas shall be submitted in writing to the Public Works Director or designee using forms provided by the city.

#### **26-6. PREREQUISITES TO APPLICATION**

Unless this section is waived by the Mayor and City Council as provided in City code, the following conditions shall be met prior to making application for enlargement of the service area:

- (1) The property at the time the application is filed shall be:
  - (a) Contiguous to the boundary of the water service area as same exists;
  - (b) Entirely within the city's full service urban planning area; and,
  - (c) Entirely within the city's facilities planning area.
- (2) Applicant shall complete annexation requirements.
- (3) Provided, that should a state or federal governmental entity, as a condition of providing funds or grants, require that service be extended to other areas outside the scope of this section (Section 26-6), the City Council may, upon receipt of application for waiver and upon a proper showing, waive the requirements of this section.

#### **26-7. APPLICATION REVIEWS AND RECOMMENDATIONS**

The Public Works Director or designee shall review all water service area enlargement applications into unannexed areas so filed with the director, and upon completion of said review, the Public Works Director shall submit the application to the City Council

for action. A service agreement for the property shall also be submitted to the City Council for action.

The Public Works Director or designee shall review each water service area enlargement application filed with the director for the purpose of determining compliance with the following specific conditions:

- (1) Each application for enlargement of the water service area so filed with the Public Works Director shall be accompanied with a legally binding and lawfully recorded special agreement wherein 100 percent (100%) of the owners-of-record of the property under consideration for inclusion in the water service area shall have agreed to the following:
  - (a) To waive their right to protest any future water and sanitary sewer special improvement districts that may be created in the future by the City Council for the purpose of providing water and/or wastewater service to the property in question;
  - (b) Agree to fully comply with all rules, regulations, resolutions, ordinances, and laws governing the providing of water and wastewater service by the City, or as same be lawfully changed from time to time;
  - (c) Make commitment to construct all the necessary water and/or wastewater system facilities and to begin development of the entire parcel of property to be included in the water service area within two years from the date of the City Council's approval of the enlargement application. In the event the applicant fails to comply with this particular commitment, the property in question shall automatically be excluded from the water service area; and,
  - (d) Agree to fully comply with any such other conditions and/or requirements as the City Council may establish from time to time.
- (2) The Public Works Director will recommend to the City Council to not grant approval to any applicant for enlargement of the water service area that would include property in the water service area that is beyond the service capabilities of the municipal water supply system.

## 26-8. **PUBLIC HEARING**

At the time of completion of an annexation, the annexed territory shall automatically be included in the service area; however, before officially acting upon any application for enlargement of the service area into an unannexed area, the City Council shall hold a public hearing thereon and shall give public notice of hearing upon each such application

**26-9. CITY COUNCIL ACTION**

After the conclusion of a public hearing as provided in Section 26-8, by a simple majority vote of those members present and voting, the Mayor and City Council may waive the requirements of Sections 26-4 and 26-6 if in their discretion there exists unique or exceptional factual circumstances that convince them that such requirements within these two sections are unnecessary or impractical.

If the requirements of 26-4 and 26-6 are not waived, the City Council shall approve, conditionally approve or deny an application for enlargement of a service area that has met the requirements of Section 26-4 and 26-6 within thirty (30) days after the date of the public hearing. The approval or conditional approval shall be in force for the period of time set forth in the approval. A denial of an application shall be in force for one (1) year after date of such denial.

In all circumstances where an enlargement of a service area has been approved or conditionally approved but annexation has been denied, prior to the provision of services by the City the applicant shall enter into a service agreement with the City and shall submit a written waiver of right to protest annexation.



## **CHAPTER 28 - WASTEWATER SERVICE AREA**

### **28-1. INTENT AND PURPOSE**

The intent and purpose of the rules and regulations set forth in this chapter is to:

- (1) Adopt an official wastewater service area that specifically designates that particular territory which is to be served with wastewater service from the municipal wastewater system;
- (2) Provide for an orderly, planned, and cost effective method of enlarging the wastewater service area so adopted;
- (3) Promote annexation to the corporate city limits of all properties to be served with municipal wastewater service from the municipal wastewater system.; and,
- (4) Ensure public participation and comment in the decision making process with respect to all enlargements of the wastewater service area into an unannexed area of the City of Billings hereafter to be granted by the City Council.

### **28-2. THE WASTEWATER SERVICE AREA**

The wastewater service area for the city is that area within the boundaries of the city, any areas presently served outside the city, and any subsequently approved amendments thereto. A map depicting the wastewater service area adopted herein, and any enlargements shall be made available at all times for public inspection during regular working hours at the Public Works Department Service Center, 2251 Belknap Avenue, Billings, Montana.

### **28-3. PROHIBITED ACT**

It is prohibited for any person to extend, or cause to be extended, beyond the wastewater service area boundary any public or private sanitary sewer and/or wastewater facilities which are, in turn, either directly or indirectly connected with the municipal wastewater system.

### **28-4. ANNEXATION REQUIREMENTS**

- (1) Unless this section is waived by the Mayor and City Council as provided by City code section 26-207, all properties to be included within the wastewater service area shall be annexed or an attempt at annexation shall be made first and before any wastewater service area enlargement applications may considered. Further, whenever possible the property being considered for inclusion in the wastewater service area shall be annexed to the city rather than accepting waivers of the property owner's right to protest annexation of said property to the city. Waivers may be accepted by the City Council in its sole discretion only in those particular cases where good and sufficient cause is shown and a hardship would result if

waivers were not accepted. Any waivers must be in legal form as approved by the City Attorney; be recorded with the County Clerk and Recorder, Yellowstone County, Montana; run with the land; and shall be signed by owners of the majority of the land area and by a majority of the land owners of the area to be considered for inclusion in the water service area.

- (2) Unless this section is waived by the Mayor and City Council as provided by City code, the property owner shall first petition the City to annex the property involved prior to submission of a wastewater service area enlargement application. The City Council shall then consider such petition.
- (3) The City Administrator or designee shall notify in writing the prospective applicant of denial of annexation or right to file waivers or both, and approval or denial of enlargement of the service area. If approved the applicant shall be notified as to when the requirements set forth in this section have been satisfactorily completed and authorize said applicant to proceed with the service area enlargement application.

#### 28-5. **ENLARGEMENT APPLICATION**

Applications and required documentation for wastewater service area enlargements into unannexed areas shall be submitted in writing to the Public Works Director or designee using forms provided by the city.

#### 28-6. **PREREQUISITES TO APPLICATION**

Unless this section is waived by the Mayor and City Council as provided in City code, the following conditions shall be met prior to making application for enlargement of the wastewater service area:

- (1) The property at the time the application is filed shall be:
  - (a) Contiguous to the boundary of the wastewater service area as same exists;
  - (b) Entirely within the city's full service urban planning area; and,
  - (c) Entirely within the city's facilities planning area.
- (2) Applicant shall complete annexation requirements.
- (3) Provided, that should a state or federal governmental entity, as a condition of providing funds or grants, require that service be extended to other areas outside the scope of this section (Section 28-6), the City Council may, upon receipt of application for waiver and upon a proper showing, waive the requirements of this section.

## 28-7. **APPLICATION REVIEWS AND RECOMMENDATIONS**

The Public Works Director or designee shall review all water service area enlargement applications into unannexed areas so filed with the director, and upon completion of said review, the Public Works Director shall submit the application to the City Council for action. A service agreement for the property shall also be submitted to the City Council for action.

The Public Works Director shall review each wastewater service area enlargement application filed with the director for the purpose of determining compliance with the following specific conditions:

- (1) Each application for enlargement of the wastewater service area so filed with the Public Works Director shall be accompanied with a legally binding and lawfully recorded special agreement wherein 100 percent (100%) of the owners-of-record of the property under consideration for inclusion in the wastewater service area shall have agreed to the following:
  - (a) To waive their right to protest any future water and sanitary sewer special improvement districts that may be created in the future by the City Council for the purpose of providing water and/or wastewater service to the property in question;
  - (b) Agree to fully comply with all rules, regulations, resolutions, ordinances, and laws governing the providing of water and wastewater service by the City, or as same may be lawfully changed from time to time;
  - (c) Make commitment to construct all the necessary water and/or wastewater system facilities and to begin development of the entire parcel of property to be included in the wastewater service area within two years from the date of the City Council's approval of the enlargement application. In the event the applicant fails to comply with this particular commitment, the property in question shall automatically be excluded from the wastewater service area; and,
  - (d) Agree to fully comply with any such other conditions and/ or requirements as the City Council may establish from time to time.
- (2) Under no circumstances shall the City Council grant approval to any applicant for enlargement of the wastewater service area which would include property in the wastewater service area that is beyond the service capabilities of the municipal wastewater system.

## 28-8. **PUBLIC HEARING**

At the time of completion of an annexation, the annexed territory shall automatically be included in the service area; however, before officially acting upon any application for enlargement of the service area into an unannexed area the City Council shall hold a public hearing thereon and shall give public notice of hearing upon each such

application

28-9. **CITY COUNCIL ACTION**

After the conclusion of a public hearing as provided in Section 26-8, by a simple majority vote of those members present and voting, the Mayor and City Council may waive the requirements of Sections 28-4 and 28-6 if in their discretion there exists unique or exceptional factual circumstances that convince them that such requirements within these two sections are unnecessary or impractical.

If the requirements of 28-4 and 28-6 are not waived, the City Council shall approve, conditionally approve or deny an application for enlargement of a service area that has met the requirements of Section 28-4 and 28-6 within thirty (30) days after the date of the public hearing. The approval or conditional approval shall be in force for the period of time set forth in the approval. A denial of an application shall be in force for one (1) year after date of such denial.

In all circumstances where an enlargement of a service area has been approved or conditionally approved but annexation has been denied, prior to the provision of services by the City the applicant shall enter into a service agreement with the City and shall submit a written waiver of right to protest annexation.

## **CHAPTER 30 - WATER EXTENSIONS**

### **30-1. INTENT AND PURPOSE**

The intent and purpose of the rules and regulations set forth in this chapter is to:

- (1) Provide for an orderly, planned, and cost-effective method of extending the municipal water supply system within the water service area;
- (2) Ensure that extensions to the municipal water supply system are properly designed, inspected, and constructed in accordance with appropriate health, utility, and fire suppression standards; and,
- (3) Facilitate the administering and documenting of all activities relating to extensions of the municipal water supply system.

### **30-2. PROHIBITED ACT**

Any unauthorized person is prohibited from extending or causing to be extended, either directly or indirectly, any portion of the municipal water supply system without first obtaining in writing the necessary approvals and paying the appropriate fees and charges as required and set forth herein.

### **30-3. APPLICATION AND FEE**

A prospective customer, or a group of prospective customers, desiring municipal water service to serve property which is situated within the water service area, and which does not front or abut a right-of-way containing a public water main, shall make application in writing to the Public Works Director on a special form furnished for this specific purpose by the Public Works Department. Said extension application shall be supplemented by any plans, reports, or other information considered pertinent in the judgment of the Public Works Director. The appropriate application fee adopted under Section 16-9(1), or as such may be lawfully changed from time to time, shall be paid by the prospective customer, or group of prospective customers, to the Public Works Department at the time the water extension application is filed. All such water extension applications shall be signed by the owners of record of the property to be served by the water extension involved, or their legally designated representative, and shall be properly witnessed by a notary public.

### **30-4. WATER SERVICE AREA**

The Public Works Director or designee shall not accept for consideration a water extension application intended to provide municipal water service to property, or any portion thereof, which is situated outside the water service area unless the Public Works Director has determined that providing water service to said property is in the best interest of the City. Prior to the Public Works Director or designee accepting for consideration a water extension application for such property, the property shall first be included in its entirety within the water service area in accordance with the provisions

set forth in Chapter 26.

**30-5. APPROVAL OF EXTENSIONS**

Subject to all the requirements and conditions set forth in this chapter, the Public Works Director is hereby authorized to grant approval of water extension applications submitted to the director under the provisions of Section 30-3. All such approvals granted by the Public Works Director or designee shall be in writing. The Public Works Director shall be responsible for maintaining a permanent file of all such extension applications so approved.

The Public Works Director shall grant approvals of water extension applications in a nondiscriminatory manner. In addition, all such water extensions so granted by the Public Works Director shall be non-assignable to other property. Further, if the construction of the water extension has not commenced within two years from the date of the Public Works Director's written approval of the water extension application involved, the Public Works Director's approval shall automatically be deemed void and no longer in force and effect.

**30-6. SANITARY SEWER DISTRICT WAIVERS**

First and before a water extension application is approved by the Public Works Director, 100 percent (100%) of the owners of record of the property included in said water extension application shall have legally waived their right to protest any sanitary sewer special improvement districts which may be created in the future for the purpose of providing municipal wastewater service to such property.

**30-7. ANNEXATION REQUIREMENTS**

Unless otherwise directed by the City Council, the Public Works Director shall not accept for consideration any water extension applications intended to serve property situated outside the boundaries of the corporate city limits.

**30-8. WATER CHARGES AND REGULATIONS**

A prospective customer, or group of prospective customers, granted permission to extend the municipal water supply system in accordance with the provisions set forth in this chapter shall be deemed to have contracted with the City for the service of the municipal water supply system in accordance with the provisions set forth in this chapter and thereby to have agreed to pay all water charges and to comply with all the City's regulations in regard to said service, or as such may be lawfully changed from time to time.

**30-9. WATER SYSTEM FEES AND CHARGES**

Any applicable municipal water supply system fees and charges to be assessed against the property included within a water extension application pursuant to provisions of ordinances and/or resolutions approved by the City Council shall be paid

to the Public Works Department at the time the water extension application is filed. If the water extension application is subsequently denied, then in that event the municipal water system fees and charges so collected from the applicant shall be refunded without interest.

### 30-10. **INTRODUCTION OF MUNICIPAL WATER SERVICE APPLICATIONS**

Applications for introduction of municipal water service to serve previously unserved property which fronts and abuts a right-of-way containing a public water main, but which has never been assessed for the cost of constructing an extension to the municipal water supply system, shall be subject to all applicable provisions, requirements, and conditions stated in this chapter for such extensions. The application fee to be paid to the Public Works Department at the time an application for introduction of water service for such type property is filed with the Public Works Director shall be that adopted under Section 16-9(3), or as same may be lawfully changed from time to time. In addition, any special municipal water system construction or development fees and charges to be assessed against the property involved shall be paid in full to the Public Works Department at the time the application for introduction of municipal water service is filed. Subject to all applicable requirements and conditions set forth in this chapter, the Public Works Director is hereby authorized to approve in writing such type applications. The Public Works Director shall be responsible for maintaining a permanent file of all such applications so approved.

### 30-11. **METHODS AND FINANCING OF EXTENSIONS**

Extensions of the municipal water supply system shall be accomplished by means of special improvement districts as provided for by law or by private contract. Prospective applicants desiring to extend the municipal water supply system shall first and prior to creation of such a district or entering into such a contract, have made application to the Public Works Director for extension of the municipal water supply system and have obtained the approvals and have paid the fees and charges required in this chapter.

All costs of extending the municipal water supply system shall be borne by the owners of the property to be served from the water extension in question, except as may be otherwise set forth in this chapter or agreed to by the City.

The City may pay the costs of constructing oversizing extensions as described in this chapter. Any such facilities to be constructed by the City must be included in the City's capital improvement plan or be in compliance with City Council approved compensation and/or reimbursement agreements. The Public Works Director shall not grant and/or construct free water extensions to serve with municipal water service any persons whatsoever.

### 30-12. **OWNERSHIP OF EXTENSIONS**

The ownership of all extensions of the municipal water supply system constructed within the corporate city limits shall be vested in the utility whether same are

constructed by special improvement district or by private contract. The ownership for public water system facilities installed outside the corporate city limits for the purpose of providing water service to properties situated outside the boundaries of the corporate city limits shall be vested in the county or other public authority having jurisdiction and control over such water system facilities. The ownership of all extensions of the municipal water supply system constructed by the City at its expense shall be vested in the utility regardless of whether or not such water system facilities are located within or outside the boundaries of the corporate city limits.

An applicant constructing an extension to the municipal water supply system shall be deemed to have conveyed the ownership of such an extension to the utility upon acceptance of the extension by the City. In addition, the City shall at that time have assumed complete control over the facilities so extended, including the right to connect additional customers to the extended facilities as well as the right to further extend said facilities without cost to the City.

### 30-13. **MAINTENANCE OF EXTENSIONS**

The City shall be responsible for the maintenance of extensions to the municipal water supply system *only* when the ownership and control of said extensions are vested in the utility. The responsibility for installation, operation, maintenance, repair, enlargement, or replacement of water system facilities that are privately owned and/or controlled by persons other than the municipal water utility shall rest solely with the owners of said facilities.

### 30-14. **WATER SERVICE LINES AND FIRELINES**

During the course of constructing an extension to the municipal water supply system, a water service line and/or a fireline, whatever is deemed appropriate, shall be stubbed to the property line of each lot and/or parcel of property included in the extension application. All water service lines and firelines so installed shall be subject to and fully comply with the provisions set forth in Chapter 34. The cost of installing each such water service line and fireline shall be borne by the owner of the property benefited by said water pipes.

All water service lines and firelines installed during the course of constructing extensions to the municipal water supply system shall be individually and appropriately marked in the field in a manner acceptable to the Public Works Director. Also, the location of each such water service line and fireline so installed shall be accurately depicted on the as-built drawings for the extension involved, with the appropriate offset distances measured from respective property lines set forth and shown for each such water service line and fireline. In addition, the invert elevation at the end of each such stubbed water service line and fireline shall be legibly noted on the as-built drawings.

### 30-15. **FIRE HYDRANTS, VALVES, AND OTHER APPURTENANCES**

Fire hydrants, valves, and other appurtenances shall be designed and installed as a necessary and basic part of an extension to the municipal water supply system, and the



cost of same shall be borne by the prospective customer, or group of prospective customers, to be provided municipal water service from the water extension involved. The operation, maintenance, repair, enlargement, and replacement responsibilities for such type facilities shall be vested in the persons having ownership and control of the facilities so extended.

**30-16. RIGHTS-OF-WAY, LICENSES, AND PERMITS**

An applicant requesting an extension to the municipal water supply system shall at applicant's expense be responsible for securing all rights-of-way, licenses, and permits that may be required in order to construct, operate, maintain, repair, and replace the municipal water supply system facilities to be extended.

Whenever possible, extensions of the municipal water supply system shall be installed entirely within public rights-of-way. However, if proven to be impractical to do so, and if the Public Works Director's and City Council approval is first obtained, extensions of the municipal water supply system may be installed within utility easements granted to the City by the owners of record of the property involved.

Public rights-of-way and utility easements shall be brought to official and final grade prior to or immediately after construction of municipal water supply system extensions and shall be a minimum of 20 feet in width. The Public Works Director may require additional widths where unusual maintenance problems exist.

All utility rights-of way and easements shall remain open and unobstructed to permit ready access of any vehicle and other equipment needed to operate, maintain, repair, enlarge, and replace municipal water supply system facilities situated within said rights-of-way and easements. Installation of surface obstructions that are removed to permit access to municipal water supply system facilities shall not be the responsibility of the City.

All dedicated rights-of-way and utility easements within a subdivision shall be shown and identified on the dedicated plat and on the extension contract drawings. All utility easement agreements shall be subject to the City Council's approval, shall meet the City's standards for such type agreements and be in legal form, shall be recorded with the County Clerk and Records office, and shall run with the land. A copy of the final recorded utility easement agreement shall be provided to the Public Works Director prior to the director's granting his approval of the plans and specifications for the extension involved.

**30-17. FACILITY PLAN AND CURRENT CAPITAL IMPROVEMENT PLAN (CIP)**

All extensions to the municipal water supply system shall be designed and constructed in such a manner and in such a way so as to comply with applicable provisions of the City's latest, adopted facility plan for the municipal water supply system and the City's current CIP. The Public Works Director may grant approval of extensions of the municipal water supply system which are not included in the said facility plan and CIP if deemed necessary by the Public Works Director.

**30-18. EXTENSIONS OUTSIDE CORPORATE CITY LIMITS**

All extensions of public water system facilities which are intended to provide water service to properties situated outside the boundaries of the corporate city limits shall be approved in advance by the City Council and shall be subject to and comply with all the provisions set forth in this chapter for extensions within the corporate city limits if said public water system facilities are to be either directly or indirectly connected with the municipal water supply system. The Public Works Director may determine that the public water system will be maintained by the Public Works Department. If the Public Works Director determines that this public water system will not be maintained by the Public Works Department then before the City Council shall approve the application for such type extensions, the director shall have on file a written certification executed by the owner wherein the owner shall have certified that:

- (1) The design, construction, inspection and testing of the public water system facilities to be extended will in all respects comply with and conform to the provisions set forth in this chapter for extensions within the corporate city limits;
- (2) The owner shall maintain or cause to maintain the public water system facilities to be extended as authorized by MCA 7-12-2120 prior to authorizing the construction of said public water system facilities; and,
- (3) Upon annexation by the City of the property served by the extended public water system facilities, the owner will transfer the operation, control and ownership of said public water system facilities to the municipal water utility as provided for by MCA 7-12-2126.

**30-19. COUNTY WATER DISTRICT OF BILLINGS HEIGHTS**

The provisions set forth in this chapter regarding extensions of the municipal water supply system shall not apply to extensions of the public water system facilities under the jurisdiction and control of the board of directors of the County Water District of Billings Heights, except as may be provided by law.

**30-20. SUBDIVISION EXTENSIONS**

All public water supply system facilities required to serve a subdivision, including connecting and cross-tie water mains, as well as the water mains in, to, around, and through said subdivision, shall be installed by and at the expense of the applicants requesting an extension of the municipal water supply system to serve the subdivision in question, unless otherwise set forth in this chapter or agreed to by the City. Said applicants shall also extend the municipal water supply system to the farthest point or points of their subdivision at their expense.

**30-21. INDIVIDUAL EXTENSIONS**

Extensions of the municipal water supply system to serve a single customer shall be

subject to all conditions and requirements set forth in this chapter. However, in unusual and exceptional cases where the property line of the customer requesting service is determined by the Public Works Director to be an excessive distance from the existing municipal water supply system, and the cost to be borne by the prospective customer under the provisions of this chapter is determined by the Public Works Director to be prohibitive, and there is no reasonable prospect of further growth and development in the area, and no water main is needed to provide fire suppression water to the area in question, or for any one of the above reasons, the Public Works Director may serve the customer by installing a meter in the public right-of-way at the public water main nearest to the customer's property, and connecting the meter to the customer's privately-owned water service line. The customer shall comply with all appropriate provisions set forth in Chapter 34 when installing the privately-owned water service line to the public water main and constructing the appropriate meter box. In addition, the customer shall not permit others to connect their water lines or receive water service from said customer's privately-owned water service line. Further, in the event the municipal water supply system is later extended to the customer's property, the customer shall at the customer's expense discontinue the use of said customer's privately-owned water service line and shall pay all costs and charges for municipal water service from such extension, the same as if the customer had not previously laid and received municipal water service through a privately-owned water service line. The Public Works Director may require the customer to waive said customer's right to protest the creation of any future special improvement district which may be created for the purpose of constructing a public water main to serve the area in question, first and before the Public Works Director grants his permission to serve the customer's property by means of a privately owned water service line.

#### 30-22. **OVERSIZING EXTENSIONS**

The city reserves the right to direct a prospective customer, or a group of prospective customers, requesting an extension to the municipal water supply system to install larger water system facilities than that required to serve the area included in said customer's water extension application and/or agreement. If sufficient funds are available at that time, and if the oversized facilities to be constructed qualify as general benefit facilities, the city may, at the city's sole discretion, pay for the additional cost prevailing for those materials of the size actually required to be constructed if an approved compensation agreement has been approved by the City Council. In the event sufficient funds are not available for participation in the extension project by the city, or in the event the oversized facilities fail to qualify as general benefit facilities, then in that event said customer shall at their expense install all such municipal water system facilities required under the provisions set forth in this chapter regarding extensions to the municipal water supply system.

In all cases the customer shall extend all water mains and appurtenances including any oversized water mains and appurtenances to the farthest limit of their property as determined by the City Engineer. In the case of a phased development approved by the City Engineer, the customer may elect to extend all water mains and appurtenances to the farthest limit of the current/active phase as determined by the City Engineer. The customer shall eventually extend all water mains and appurtenances to the farthest limit of their property as determined by the City Engineer.

Under the provisions of Article 26-500, BMCC, the customer may be eligible for compensation or partial compensation by the City and/or reimbursement from other customers connecting to

said facilities for a portion of the costs of constructing the oversized facilities and/or the other water mains and appurtenances constructed to serve the customer's property.

### 30-23. **STAGED CONSTRUCTION OF EXTENSIONS**

Whenever public streets and extensions to the municipal water supply system are proposed to be constructed in stages to serve a new subdivision or other type development, the water mains, fire hydrants, and other municipal water supply system facilities shall be extended and installed beyond the proposed paving limits of the public street in question so as to preclude unnecessary excavations in said paved public streets when a future extension of the municipal water supply system is to be constructed. The cost of designing and installing said stubbed-out facilities shall be borne by the prospective customers initiating the water extension involved, and said facilities shall be made a part of and constructed with the water extension project in question.

### 30-24. **EXCAVATIONS**

Persons opening up, digging into, excavating, or tunneling in any public right-of-way or utility easement for the purpose of constructing extensions or making connections with the municipal water supply system, whether same be situated within or outside the boundaries of the corporate city limits, shall, prior to performing such work, obtain in writing at their expense all necessary approvals, permits, licenses, surety bonds, and/or public liability insurance certificates that may be required by the agency or person having jurisdiction and control over such public rights-of-way and utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of the county or the state may be obtained by contacting the County Public Works office and the Montana Department of Transportation, respectively. In any case, streets, sidewalks, parkways, alleys, and other public property disturbed in the course of the work by a person contracting to construct an extension to the municipal water supply system, or a connection therewith, shall be restored at said person's expense in a manner satisfactory to the public authority having jurisdiction and control over such public property.

Any privately-owned property which may be disturbed and/or damaged by a person contracting to construct extensions to the municipal water supply system, or a connection therewith, shall be restored at said person's expense to a condition equal to or better than the condition existing prior to such construction.

### 30-25. **TRAFFIC CONTROL AND CONSTRUCTION SIGNING**

When working within public rights-of-way or utility easements, persons constructing extensions or making connections with the municipal water supply system, whether same be situated within or outside the boundaries of the corporate city limits, shall comply with the traffic control and construction signing standards of the agency having

jurisdiction and control over the rights-of-way or utility easements involved. In any case, all excavations for the construction of extensions or making connections with the municipal water supply system shall be adequately guarded with appropriate devices on a continuous basis so as to protect the public from hazard.

**30-26. PROFESSIONAL ENGINEER**

Pursuant to and in accordance with MCA 18-2-121, all extensions of the municipal water supply system shall be under the direct charge and supervision of a professional engineer licensed in the State of Montana. The Public Works Director or designee is prohibited under the provisions of MCA 18-2-122 from accepting any plans and specifications for extensions of the municipal water supply system unless they bear the seal and signature of such a professional engineer.

**30-27. CONTRACT PLANS AND SPECIFICATIONS**

The contract plans and specifications for extension of the municipal water supply system shall be approved in writing by the Public Works Director or designee and the State Department of Environmental Quality prior to commencement of any construction of a water extension. MCA 75-6-112(4) specifically prohibits the construction, alteration, or extension of any system of water supply, water distribution, sewer, drainage, wastewater, or sewage disposal without first submitting necessary maps and plans and specifications to the State Department of Environmental Quality for their advice and approval. All such submittals shall be sent to the Public Works Director or designee for forwarding to the State Department of Environmental Quality. However, it shall be the responsibility of the professional engineer designing the water extension in question to obtain the State Department of Environmental Quality's approval of the contract plans and specifications for the extension involved. Final construction plans for extensions of the municipal water supply system shall be engineering design drawings on standard plan-profile sheets to a scale of not less than 1"=100' in plan and 1"=10' in profile. All elevations depicted on the plans shall be based upon United States Geological Survey (USGS) datum.

**30-28. DESIGN STANDARDS**

All extensions of the municipal water supply system shall be designed in compliance with the standards for such work that may be adopted from time to time by the Public Works Director or designee and the State Department of Environmental Quality. In addition, such extensions shall be designed so as to comply with the latest, adopted standards for water supply facilities of the Insurance Services Office of Montana.

**30-29. MATERIALS AND METHODS OF CONSTRUCTION**

The materials and methods of construction used in the installation of extensions to the municipal water supply system, or the making of connections to the municipal water supply system, shall conform to the requirements of the Public Works Director or designee. Trench excavation, backfilling, compaction, and surface restoration shall all comply with the requirements of the agency having jurisdiction and control over the

rights-of-way and utility easements affected by such work. Pipe embedment materials, and the compaction of same, shall be as approved by the Public Works Director or designee.

### 30-30. **CONSTRUCTION AND FINAL INSPECTION**

The professional engineer having direct charge of and supervision over a water extension project shall provide at his expense adequate, on-site inspection during the construction of the water extension project so as to ensure that such construction work is being performed in accordance with the approved contract plans and specifications for the project. It shall be said engineer's responsibility to furnish at his expense a qualified construction inspector for monitoring all construction work performed during the installation of the extension to the municipal water supply system.

Upon completion of the installation of a water extension project, and after the extended facilities have passed the required testing set forth in the contract documents, the professional engineer in charge of the project shall notify the City Engineer in writing that the project is ready for final inspection by the City. In turn, once the final inspection has passed the City's approval, the City Engineer shall notify in writing the professional engineer that the facilities have so passed said final inspection.

### 30-31. **MINIMUM SIZE, CAPACITY AND SPACING CRITERIA**

The following minimum size, capacity and spacing criteria shall govern the design of extensions to the municipal water supply system:

- (1) **Main Size.** In a commercial area a 12-inch diameter water main shall be the minimum standard diameter of public water main installed. An eight-inch diameter water main may be used in a commercial area only where it completes a closed gridiron and where the water main is of short distance and closely interconnected with other mains.

In a residential area an eight-inch diameter water main shall be the minimum standard diameter of public water main installed. If a low pressure water system is approved by the Public Works Director a smaller diameter water main may be approved by the Public Works Director or designee.

Certain public water mains that are not required to provide water for fire suppression, and which may never be extended, may be reduced in size to meet customer demands provided the written approval of the Public Works Director is first obtained. If larger public water mains are required to serve a new development, then the prospective customer, or group of prospective customers, requesting the water extension involved shall install such larger water mains at their expense.

- (2) **Water Main Valves.** Valves shall be situated on public water mains so that the maximum shut-off lengths do not exceed 500 feet in commercial areas and one block, or 800 feet, whichever is less, in residential areas. All such valves so required shall be of the same diameter as the public water mains they are

appended to.

- (3) **Fire Hydrants and Branches.** In industrial, warehouse, institutional, shopping center, or other high-value areas within or outside the principal business district, there shall be one or two fire hydrants at each street intersection, depending upon the character of the area, with intermediate fire hydrants placed so that they are not over 300 feet apart. In general, depending upon the area's characteristics, the average area to be served by each fire hydrant shall be from 80,000 to 90,000 square feet.

In residential areas there shall be 1 fire hydrant installed at each street intersection with intermediate fire hydrants located so that said fire hydrants are spaced not over 500 feet apart. In general, depending upon the area's characteristics, the average area to be served by each fire hydrant shall not exceed 110,000 square feet.

Fire hydrant branches shall have a minimum diameter of 6 inches. In all cases a valve shall be installed on each fire hydrant branch and in no case shall the valve be of smaller diameter than the fire hydrant branch. Branch valves shall be situated not less than 18 inches or more than 24 inches from the branch feeder main.

- (4) Dead-end water mains shall be avoided by looping of all water mains whenever practical.
- (5) **Blowoffs.** A standard fire hydrant shall be installed at the end of each dead-end public water main to facilitate flushing the water main and to release any air entrapped in the water main during installation, maintenance, and repair operations.
- (6) **Metallic Pipe Fittings.** All metallic pipe fittings installed underground during the installation of water extensions shall, whenever possible, be of the push-on type rather than the bolted-joint type.
- (7) **Protection of Buried Metallic Pipes and Fittings.** All metallic public water mains, fittings, and appurtenances installed underground during the construction of water extensions shall be totally wrapped or encased in polyethylene film meeting the specifications of the Public Works Director.
- (8) **NonMetallic Pipe Location Devices.** All nonmetallic pipe installed during the installation of water extensions shall be provided with a means of detecting same once installed by means of standard location equipment. The means to be used shall be subject to the prior approval of the Public Works Director.
- (9) **Reaction Blocking.** All tees, bends, plugs, hydrants, and valves (if appropriate) shall be provided with reaction blocking or joints designed to prevent movement. Tie rods may be used only with the prior approval of the Public Works Director.

- (10) Pressure. Water facilities shall be designed to provide a minimum normal working pressure of 50 psi during maximum day demand periods. This figure may be reduced if it is warranted as determined by the Public Works Director or designee.

**30-32. DEPTH OF WATER MAINS AND APPURTENANCES**

Public water mains and appurtenances shall be installed in rights-of-way at a depth to prevent freezing during the winter months. The minimum depth of bury for public water mains and appurtenances shall be 6½ feet, as measured perpendicularly from the right-of-way surface, or a design grade approved in writing by the City Engineer, to the top of the public water main. The City Engineer may permit installation of public water mains and appurtenances at a lesser depth provided special construction methods are utilized to prevent freezing.

**30-33. STANDARD UTILITY LOCATION**

Whenever possible and practical, public water mains constructed in public rights-of-way in new subdivisions shall be installed in such a manner and in such a way so as to conform to the latest Standard Utility Location Plan adopted by the City for such types of right-of-way. Nonstandard location of public water mains in public rights-of-way in new subdivisions must be approved in writing by the City Engineer prior to their construction.

**30-34. POINT OF CONNECTION OF EXTENSIONS**

The location of the point of connection of water extensions to the municipal water supply system shall be as determined by the Public Works Director. Such determination shall be based upon findings that reasonable utility standards are followed in fixing the point of connection and that no substantial deterioration of the overall quality of water service to existing water customers will result from permitting such a connection. In addition, fire suppression water in sufficient quantities, pressure, and reliability to serve the water extension in question shall be considered in determining the location of the point of connection of water extensions to the municipal water supply system.

**30-35. CONNECTION TO WATER SUPPLY SYSTEM**

During the course of constructing water extensions and/or making connections to the municipal water supply system, 12 inch or smaller taps to public water mains that are presently in service shall be made only by designees of the Public Works Department. All expenses associated with the making of such taps by the Public Works Department shall be borne by the person installing the water extension in question.

Any payment to be made to the Public Works Department for work performed in making connections to public water mains shall be in accordance with the provisions of Section 16-9 or as same may be lawfully changed from time to time. All other work such as, but not limited to, any traffic control and construction signing work, any



excavating work, and any surface restoration work shall be performed by and at the expense of the person installing the water extension in question. Fittings for tapping public water mains and any other materials needed to tap the public water main shall be provided by and at the expense of the person installing the water extension and/or connection in question.

The person installing the water extension shall be responsible for providing safe trench conditions at all times when the employees of the Public Works Department are making a tap to the public water main. Failure to provide such safe trench conditions shall be cause for immediate refusal by the Public Works Department to perform any such tapping work.

Persons desiring a tap made to a public water main shall notify the Public Works Department at least 48 hours in advance of when the tap is needed. No taps to a public water main will be made after regular working hours, or on Saturdays, Sundays, or City holidays. The Public Works Director may override these requirements if deemed necessary by the Public Works Director. Persons requesting such taps shall have the public water main uncovered, have the tapping sleeve installed and pressure tested, and be ready for the tap to be made at the time designated by such persons.

#### **30-36. PROJECT NOTICES AND OTHER CORRESPONDENCE**

The professional engineer in charge of a water extension project shall submit on a timely basis to the City Engineer a copy of the bid advertisement, a copy of the bid summary, a copy of the executed contract documents, a copy of all notices to the installing contractor, a copy of all shop drawing submittals, a copy of all change orders, and a copy of any other pertinent project correspondence between the engineer and the installing contractor. Upon completion of the construction of a water extension project, the professional engineer shall submit to the City Engineer a typewritten schedule listing the location, type, size, class, and manufacturer's name of all water system materials installed during the course of the project. A final, certified project cost summary, which shall include all engineering legal, administrative, and construction costs for the installation of all the municipal water supply system facilities so extended under the project, shall also be submitted by the professional engineer to the City Engineer upon completion of the construction of the water extension project.

#### **30-37. TESTING, FLUSHING, AND DISINFECTING EXTENSIONS**

An extension of the municipal water supply system shall be properly and satisfactorily pressure tested, flushed, and disinfected by the person constructing such an extension in accordance with the approved contract documents for said extension prior to acceptance of the extension in question by the Public Works Director. All costs of performing such testing, flushing, and disinfecting shall be borne by and at the expense of the person constructing the extension involved. The professional engineer in charge of a water extension project shall provide for the inspection and supervision of all flushing, testing, and disinfection operations of the person constructing the extension in question.

A designee of the Public Works Department shall witness the performance of all pressure testing operations of the person constructing an extension to the municipal water supply system. In addition, said designee shall operate all valves on the existing water supply system during the testing, flushing, and disinfection operations of newly extended water system facilities.

The costs incurred by the Public Works Department in witnessing pressure tests and in operating existing water supply system valves during the testing, flushing, and disinfection operations of newly extended water system facilities shall be borne by and at the expense of the person constructing the water extension involved.

Any bacteriological sample collecting and testing required in conjunction with the disinfection of newly extended water system facilities shall be conducted by authorized employees of the Public Works Department unless approved by the Public Works Director using a test laboratory approved by the Montana Department of Environmental Quality for such purpose. The cost incurred by the Public Works Department in collecting such samples and in conducting such tests shall be borne by and at the expense of the person installing the water extension involved.

### 30-38. **RECORD DRAWINGS**

Upon completion of construction of an extension to the municipal water supply system, the professional engineer for the project shall submit two electronic sets of PDF as-built drawings files and one set of electronic AutoCadd files for said project to the Public Works Director or designee. The as-built drawings so submitted shall accurately depict all field changes accomplished during the course of construction and shall be certified by the professional engineer as to being an accurate depiction of the location of all municipal water supply system facilities, including water service lines and firelines, installed during the construction phase of the project.

Offset distances measured from the centerline of the rights-of-way to all public water mains and appurtenances shall be individually and legibly shown on the as-built drawings. Elevations indicating the depth of bury of all public water mains shall be shown on the as-built drawings at each street or right-of-way intersection and at such intervals along the public water mains as may be deemed appropriate by the City Engineer. The invert elevation at the end of each stubbed public water main, water service line, and fireline shall also be legibly noted on the as-built drawings.

### 30-39. **ACCEPTANCE OF EXTENSIONS BY CITY**

After an extension project has been completed and has satisfactorily passed the City's final inspection, the professional engineer in charge of the water extension project shall certify in writing to the Public Works Director and/or City Engineer that the project has been constructed and completed in conformance with the approved contract documents and is now ready for acceptance by the City. The date of official acceptance shall be established in writing by the Public Works Director and/or City Engineer, whichever is appropriate, and shall be used as it may apply for maintenance guarantees and other extension contract purposes. No water service lines connected

to the extended facilities shall be activated for customer use until such time as the water extension project has been accepted in writing by the City and the as-built drawings have been submitted to the City.

**30-40. CONSTRUCTION CONTRACTOR REGISTRATION REQUIRED**

Persons contracting to construct extensions of the water supply system shall possess, and have on file with the City a valid certificate of registration issued pursuant to and in accordance with the provisions of MCA Title 39, Chapter 9, Part 2.

**30-41. WARRANTY AND GUARANTEE**

Persons who contract to construct extensions to the municipal water supply system shall, by appropriate performance bond filed with the City, guarantee all materials and equipment furnished and work performed for a period of not less than one year from the date of acceptance of the work by the City. Said persons shall warrant and guarantee for a period of not less than one year from the date of acceptance of the work that said work is free from all defects due to faulty materials or workmanship, and said persons shall promptly make such corrections as may be necessary by reason of such defects. In the event the persons performing such work fail to make such repairs, adjustments or perform other work that may be made necessary by such defects, the City may make arrangements for the performance of such work by others and charge said persons the cost thereby incurred. In addition to any other penalties, failure by said persons to pay to the City within a reasonable time such charge shall be just cause for the City to suspend or revoke the City business licenses of the persons involved. This express warranty and guarantee shall not be construed to deny the City or any other affected person the right to make claim on any applicable warranty implied by law.

**30-42. OPERATING EXISTING VALVES, HYDRANTS, AND APPURTENANCES**

Existing water supply system valves, fire hydrants, and other appurtenances shall be operated only by authorized Public Works Department employees during the course of constructing extensions to the municipal water supply system or making connections to the water supply system. It is prohibited for unauthorized persons to operate said valves, fire hydrants, and other appurtenances on the municipal water supply system. In the event of an emergency as determined by the Public Works Director, the Public Works Director may authorize someone other than a Public Works Employee to operate the valves, hydrants and/or other appurtenances.

**30-43. INTERRUPTIONS OF WATER SERVICE**

A person constructing an extension to the municipal water supply system, or making a connection therewith, shall be responsible for notifying existing water customers of any interruptions in their water service resulting from said person's operations. The specific method of notifying such customers shall be approved by the Public Works Director or designee first and before the interruptions take place. Any such interruptions shall be held to the shortest possible duration and shall be approved by the Public Works Director first and before such interruptions are affected.

30-44. **PUBLIC WORKS DEPARTMENT FEES AND CHARGES**

All fees and charges for work performed by the Public Works Department in conjunction with extensions to the water supply system shall be paid to the Public Works Department in accordance with the provisions set forth in Chapter 16.

Any person who considers such fees and/or charges of the Public Works Department to be unfair, inequitable, or unreasonable may appeal payment of such fees and/or charges as provided for in Section 4-6.

30-45. **DAMAGES TO WATER SUPPLY SYSTEM**

Persons constructing extensions to the municipal water supply system, or making connections to said system, shall be liable for any damages to the existing municipal water supply system facilities or other public or private property occasioned by their operations.

## **CHAPTER 32 - WASTEWATER EXTENSIONS**

### **32-1. INTENT AND PURPOSE**

The intent and purpose of the rules and regulations set forth in this chapter is to:

- (1) Provide for an orderly, planned, and cost-effective method of extending the municipal wastewater system within the wastewater service area;
- (2) Ensure that extensions to the municipal wastewater system are properly designed, inspected, and constructed in accordance with appropriate health and utility standards; and,
- (3) Facilitate the administering and documenting of all activities relating to extensions of the municipal wastewater system.

### **32-2. PROHIBITED ACT**

Any unauthorized person is prohibited from extending or causing to be extended, either directly or indirectly, any portion of the municipal wastewater system without first obtaining in writing the necessary approvals and paying the appropriate fees and charges as required and set forth herein.

### **32-3. APPLICATION AND FEE**

A prospective customer, or group of prospective customers, desiring municipal wastewater service to serve property which is situated within the wastewater service area, and which does not front or abut a right-of-way containing a public sanitary sewer, shall make application in writing to the Public Works Director or designee on a special form furnished for this specific purpose by the Public Works Department. Said extension application shall be supplemented by any plans, reports, or other information considered pertinent in the judgment of the Public Works Director. The appropriate application fee adopted under Section 16-9(1), or as such may be lawfully changed from time to time, shall be paid by the prospective customer, or group of prospective customers, to the Public Works Department at the time the wastewater extension application is filed. All such wastewater extension applications shall be signed by the owners of record of the property to be served by the wastewater extension involved, or their legally designated representative, and shall be properly witnessed by a notary public.

### **32-4. WASTEWATER SERVICE AREA**

The Public Works Director or designee shall not accept for consideration a wastewater extension application intended to provide municipal wastewater service to property, or any portion thereof, which is situated outside the wastewater service area unless the Public Works Director has determined that providing wastewater service to said property is in the best interest of the City. Prior to the Public Works Director or designee accepting for consideration a wastewater extension application for such property, the property shall first be included in its entirety within the wastewater service

area in accordance with the provisions set forth in Chapter 28.

**32-5. APPROVAL OF EXTENSIONS**

Subject to all the requirements and conditions set forth in this chapter, the Public Works Director is hereby authorized to grant approval of wastewater extension applications submitted to the director under the provisions of Section 32-3. All such approvals granted by the Public Works director shall be in writing. The Public Works director shall be responsible for maintaining a permanent file of all such extension applications so approved.

The Public Works director shall grant approvals of wastewater extension applications in a nondiscriminatory manner. In addition, all such wastewater extensions so granted by the Public Works director shall be non-assignable to other property. Further, if the construction of the wastewater extension has not commenced within two years from the date of the Public Works director's written approval of the wastewater extension application involved, the Public Works director's approval shall automatically be deemed void and no longer in force and effect.

**32-6. WATER SYSTEM DISTRICT WAIVERS**

First and before a wastewater extension application is approved by the Public Works director, 100 percent (100%) of the owners of record of the property included in said wastewater extension application shall have legally waived their right to protest any water system special improvement districts which may be created in the future for the purpose of providing municipal water service to such property.

**32-7. ANNEXATION REQUIREMENTS**

Unless otherwise directed by the City Council, the Public Works director shall not accept for consideration any wastewater extension applications intended to serve property situated outside the boundaries of the corporate city limits.

**32-8. WASTEWATER CHARGES AND REGULATIONS**

A prospective customer, or group of prospective customers, granted permission to extend the municipal wastewater system in accordance with the provisions set forth in this chapter shall be deemed to have contracted with the City for the service of the municipal wastewater system and thereby to have agreed to pay all wastewater charges and to comply with all the City's regulations in regard to said service, or as such may be lawfully changed from time to time.

**32-9. WASTEWATER SYSTEM FEES AND CHARGES**

Any applicable municipal wastewater system fees and charges to be assessed against the property included within a wastewater extension application pursuant to provisions of ordinances and/or resolutions approved by the City Council shall be paid to the Public Works Department at the time the wastewater extension application is filed. If the wastewater extension application is subsequently denied, then in that event the municipal wastewater system fees and charges so collected from the applicant shall be

refunded without interest.

### **32-10. INTRODUCTION OF MUNICIPAL WASTEWATER SERVICE APPLICATIONS**

Applications for introduction of municipal wastewater service to serve previously unserved property which fronts and abuts a right-of-way containing a public sanitary sewer, but which has never been assessed for the cost of constructing an extension of the municipal wastewater system, shall be subject to all applicable provisions, requirements and conditions stated in this chapter for extensions to the municipal wastewater system. The application fee to be paid to the Public Works Department at the time an application for introduction of wastewater service for such type property is filed with the Public Works director shall be that adopted under Section 16-9(4), or as same may be lawfully changed from time to time. In addition, any special municipal wastewater system construction or development fees and charges to be assessed against the property involved shall be paid in full to the Public Works Department at the time the application for introduction of municipal wastewater service is filed. Subject to all applicable requirements and conditions set forth in this chapter, the Public Works director is hereby authorized to approve in writing such type applications. The Public Works director shall be responsible for maintaining a permanent file of all such applications so approved.

### **32-11. METHODS AND FINANCING OF EXTENSIONS**

Extensions of the municipal wastewater system shall be accomplished by means of special improvement districts as provided for by law or by private contract. Prospective applicants desiring to extend the municipal wastewater system shall first, and prior to creation of such a district or entering into such a contract, have made application to the Public Works director for extension of the municipal wastewater system and have obtained the approvals and have paid the fees and charges required in this chapter.

All costs of extending the municipal wastewater system shall be borne by the owners of the property to be served with municipal wastewater service from the wastewater extension in question, except as may be otherwise set forth in this chapter or agreed to by the City.

The City may pay the costs of constructing oversizing extensions as described in this chapter. Any such facilities to be constructed by the City must be included in the City's capital improvement plan or be in compliance with City Council approved compensation and/or reimbursement agreements. The Public Works Director shall not grant and/or construct free wastewater extensions to serve with municipal wastewater service any persons whatsoever.

### **32-12. OWNERSHIP OF EXTENSIONS**

The ownership of all extensions of the municipal wastewater system constructed within the corporate city limits shall be vested in the municipal wastewater utility whether same are constructed by special improvement district or by private contract. The ownership for public wastewater system facilities installed outside the corporate city limits for the purpose of providing wastewater service to properties situated outside the

boundaries of the corporate city limits shall be vested in the county or other public authority having jurisdiction and control over such wastewater system facilities. The ownership of all extension of the municipal wastewater system constructed by the City at its expense shall be vested in the utility regardless of whether or not such wastewater system facilities are located within or outside the boundaries of the corporate city limits.

An applicant constructing an extension of the municipal wastewater system shall be deemed to have conveyed the ownership of such an extension to the utility upon acceptance of the extension by the City. In addition, the City shall at that time have assumed complete control over the facilities so extended, including the right to connect additional customers to the extended facilities as well as the right to further extend said facilities without cost to the City.

#### 32-13. **MAINTENANCE OF EXTENSIONS**

The City shall be responsible for the maintenance of extensions to the municipal wastewater system **only** when the ownership and control of said extensions are vested in the utility. The responsibility for installation, operation, maintenance, repair, enlargement, or replacement of wastewater system facilities that are privately owned and/or controlled by persons other than the utility shall rest solely with the owners of said facilities.

#### 32-14. **WASTEWATER SERVICE LINES**

During the course of constructing an extension to the municipal wastewater system, a wastewater service line shall be installed to each lot and/or parcel of property included in the extension application. All wastewater lines so installed shall be subject to and fully comply with the provisions set forth in Chapter 36. The cost of installing each such wastewater service line shall be borne by the owner of the property benefited by the wastewater service line involved.

All wastewater service lines installed during the course of constructing extensions to the municipal wastewater system shall be individually and appropriately marked in the field in a manner acceptable to the Public Works Director. Also, the specific location of each such wastewater line so installed shall be accurately depicted on the as-built drawings for the extension involved, with the appropriate off-set distances measured from respective property lines set forth and shown for each such wastewater service line. In addition, the invert elevation at the end of each such stubbed wastewater service line shall be legibly noted on the as-built drawings.

#### 32-15. **MANHOLES, WASTEWATER PUMPING STATIONS, FORCE MAINS, AND OTHER APPURTENANCES**

Manholes, wastewater pumping stations, force mains, and other appurtenances shall be designed and installed as a necessary and basic part of an extension to the municipal wastewater system, and the cost of same shall be borne by the prospective customer, or group of prospective customers, to be provided municipal wastewater service from the wastewater extension involved. The operation, maintenance, repair, enlargement, and replacement responsibilities for such type facilities shall be vested in



the persons having ownership and control of the facilities so extended.

**32-16. RIGHTS-OF-WAY, LICENSES, AND PERMITS**

An applicant requesting an extension of the municipal wastewater system shall at applicant's expense be responsible for securing all rights-of-way, licenses, and permits that may be required in order to construct, operate, maintain, repair, and replace the facilities to be extended by the applicant in question.

Whenever possible, extensions of the municipal wastewater system shall be installed entirely within public rights-of-way. However, if proven to be impractical to do so, and if the Public Works Director's and City Council approval is first obtained, wastewater extensions may be installed within utility easements granted to the City by the owners of record of the property involved.

Public rights-of-way and utility easements shall be brought to official and final grade prior to or immediately after construction of wastewater extensions and shall be a minimum of 20 feet in width. The Public Works Director may require additional widths where unusual maintenance problems exist.

All utility rights-of-way and easements shall remain open and unobstructed to permit ready access of any vehicles and other equipment needed to operate, maintain, repair, enlarge, and replace wastewater system facilities situated within said rights-of-way and easements. Installation of surface obstructions within such rights-of-way and easements shall be at the risk of the owners of said obstructions unless they are approved in writing by the Public Works Director. Replacement of such obstructions that are removed to permit access to municipal wastewater system facilities shall not be the responsibility of the City.

All dedicated rights-of-way and utility easements within a subdivision shall be shown and identified on the dedicated plat and on the extension contract drawings. All utility easement agreements shall be subject to the City Council's approval, shall meet the City's standards for such type agreements and be in legal form, shall be recorded with the County Clerk and Recorder's office, and shall run with the land. A copy of the final recorded utility easement agreement shall be provided to the Public Works Director prior to the director's granting his approval of the plans and specifications for the extension involved.

**32-17. FACILITY PLAN AND CURRENT CAPITAL IMPROVEMENT PLAN (CIP)**

All extensions to the municipal wastewater system shall be designed and constructed in such a manner and in such a way so as to comply with applicable provisions of the City's latest, adopted facility plan for the municipal wastewater system and the City's current CIP. The Public Works Director may grant approval of extensions of the municipal wastewater system which are not included in the said facility plan and CIP if deemed necessary by the Public Works Director.

### 32-18. **EXTENSIONS OUTSIDE CORPORATE CITY LIMITS**

All extensions of public wastewater system facilities which are intended to provide wastewater service to properties situated outside the boundaries of the corporate city limits shall be approved in advance by the City Council and shall be subject to and comply with all the provisions set forth in this chapter for extensions within the corporate city limits if said public wastewater system facilities are to be either directly or indirectly connected with the municipal wastewater system. The Public Works Director may determine that the public wastewater system will be maintained by the Public Works Department. If the Public Works Director determines that this public wastewater system will not be maintained by the Public Works Department then before the City Council shall approve the application for such type extensions, the director shall have on file a written certification executed by the owner wherein the owner shall have certified that:

- (1) The design, construction, inspection, and testing of the public wastewater facilities to be extended will in all respects comply with and conform to the provisions set forth in this chapter for extensions within the corporate city limits;
- (2) The owner shall maintain or cause to maintain the public wastewater system facilities to be extended as authorized by MCA 7-12-2120 prior to authorizing the construction of said public wastewater system facilities; and,
- (3) Upon annexation by the City of the property served by the extended public wastewater system facilities, the owner will transfer the operation, control, and ownership of said public wastewater system facilities to the municipal wastewater utility as provided for by MCA 7-12-2126.

### 32-19. **SUBDIVISION EXTENSIONS**

All public wastewater system facilities required to serve a subdivision, including necessary off-site public sanitary sewers, as well as the public sanitary sewers in, to, around, and through said subdivision, shall be installed by and at the expense of the applicants requesting an extension of the wastewater system to serve the subdivision in question, unless otherwise set forth in this chapter or agreed to by the City. Said applicants shall also extend the municipal wastewater system to the farthest point or points of their subdivision at their expense.

### 32-20. **INDIVIDUAL EXTENSIONS**

Extensions of the municipal wastewater system to service a single customer shall be subject to all conditions and requirements set forth in this chapter.

### 32-21. **OVERSIZING EXTENSIONS**

The city reserves the right to direct a prospective customer, or a group of prospective customers, requesting an extension to the municipal sanitary sewer system to install larger sanitary sewer system facilities than that required to serve the area included in said customer's sanitary sewer extension application and/or agreement. If sufficient funds are available at that time, and if the oversized facilities to be constructed qualify

as general benefit facilities, the city may, at the city's sole discretion, pay for the additional cost prevailing for those materials of the size actually required to be constructed if an approved compensation agreement has been approved by the City Council. In the event sufficient funds are not available for participation in the extension project by the city, or in the event the oversized facilities fail to qualify as general benefit facilities, then in that event said customer shall at their expense install all such municipal sanitary sewer facilities required under the provisions set forth in this chapter regarding extensions to the municipal sanitary sewer system.

In all cases the customer shall extend all sanitary sewer mains and appurtenances including any oversized sanitary sewer mains and appurtenances to the farthest limit of their property as determined by the City Engineer. In the case of a phased development approved by the City Engineer, the customer may elect to extend all sanitary sewer mains and appurtenances to the farthest limit of the current/active phase as determined by the City Engineer. The customer shall eventually extend all sanitary sewer mains and appurtenances to the farthest limit of their property as determined by the City Engineer.

Under the provisions of Article 26-500, BMCC, the customer may be eligible for compensation or partial compensation by the City and/or reimbursement from other customers connecting to said facilities for a portion of the costs of constructing the oversized facilities and/or the other sanitary sewer mains and appurtenances constructed to serve the customer's property.

#### **32-22. STAGED CONSTRUCTION OF EXTENSIONS**

Whenever public streets and extensions to the municipal wastewater system are proposed to be constructed in stages to serve a new subdivision or other type development, the public sanitary sewers and other wastewater system facilities shall be extended and installed beyond the proposed paving limits of the public street in question so as to preclude unnecessary excavations in said paved public streets when a future extension of the municipal wastewater system is to be constructed. The cost of designing and installing said stubbed-out facilities shall be borne by the prospective customers initiating the wastewater extension involved, and said facilities shall be made a part of and constructed with the wastewater extension project in question.

#### **32-23. EXCAVATIONS**

Persons opening up, digging into, excavating, or tunneling in any public right-of-way or utility easement for the purpose of constructing extensions or making connections with the municipal wastewater system, whether same be situated within or outside the boundaries of the corporate city limits, shall, prior to performing such work, obtain in writing at their expense all necessary approvals, permits, licenses, surety bonds, and/or public liability insurance certificates that may be required by the agency or person having jurisdiction and control over such public right-of-way and utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of the county or the state may be obtained by contacting the County Public Works office and the

Montana Department of Transportation, respectively. In any case, streets, sidewalks, parkways, alleys, and other public property disturbed in the course of the work by a person contracting to construct an extension to the municipal wastewater system, or a connection therewith, shall be restored at said person's expense in a manner satisfactory to the public authority having jurisdiction and control over such public property.

Any privately-owned property which may be disturbed and/or damaged by a person contracting to construct extensions to the municipal wastewater system or a connection therewith, shall be restored at said person's expense to a condition equal to or better than the condition existing prior to such construction.

#### **32-24. TRAFFIC CONTROL AND CONSTRUCTION SIGNING**

When working within public rights-of-way or utility easements, persons constructing extensions or making connections with the municipal wastewater system, whether same be situated within or outside the boundaries of the corporate city limits, shall comply with the traffic control and construction signing standards of the agency having jurisdiction and control over the right-of-way or utility easements involved. In any case, all excavations for the construction of extensions or making connections with the municipal wastewater system shall be adequately guarded with appropriate devices on a continuous basis so as to protect the public from hazard.

#### **32-25. PROFESSIONAL ENGINEER**

Pursuant to and in accordance with MCA 18-2-121, all extensions of the municipal wastewater system shall be under the direct charge and supervision of a professional engineer licensed in the State of Montana. The Public Works Director or designee is prohibited under the provisions of MCA 18-2-122 from accepting any plans and specifications for extensions of municipal wastewater system unless they bear the seal and signature of such a professional engineer.

#### **32-26. CONTRACT PLANS AND SPECIFICATIONS**

The contract plans and specifications for an extension of the municipal wastewater system shall be approved in writing by the Public Works Director or designee and the State Department of Environmental Quality prior to commencement of any construction of a wastewater extension. MCA 75-6-112(4) specifically prohibits the construction, alteration, or extension of any system of water supply, water distribution, sewer, drainage, wastewater, or sewage disposal without first submitting necessary maps and plans and specifications to the State Department of Environmental Quality for their advice and approval. All such submittals shall be sent to the Public Works Director or designee for forwarding to the State Department of Environmental Quality. However, it shall be the responsibility of the professional engineer designing the wastewater extension in question to obtain the State Department of Environmental Quality's approval of the contract plans and specifications for the extension involved.

Final construction plans for extensions of the municipal wastewater system shall be engineering design drawings on standard plan-profile sheets to a scale of not less than

1"=100' in plan and 1"=10' in profile. All elevations depicted on the plans shall be based upon United States Geological Survey (USGS) datum.

**32-27. DESIGN STANDARDS**

All extensions of the municipal wastewater system shall be designed in compliance with the standards for such work that may be adopted from time to time by the Public Works Director or designee and the State Department of Environmental Quality.

**32-28. MATERIALS AND METHODS OF CONSTRUCTION**

The materials, specifications and methods of construction used in the installation of extensions to the municipal wastewater system, or the making of connections to the municipal wastewater system, shall conform to the requirements of the most recent design standards signed and issued by the City Engineer. Trench excavation, backfilling, compaction, and surface restoration shall all comply with the requirements of the agency having jurisdiction and control over the rights-of-way and utility easements affected by such work. Pipe embedment materials, and the compaction of same, shall be as approved by the Public Works Director or designee.

**32-29. CONSTRUCTION AND FINAL INSPECTION**

The professional engineer having direct charge of and supervision over a wastewater extension project shall provide at his expense adequate, on-site inspection during the construction of the wastewater extension project so as to ensure that such construction work is being performed in accordance with the approved contract plans and specifications for the project. It shall be said engineer's responsibility to furnish at his expense a qualified construction inspector for monitoring all construction work performed during the installation of the extension to the municipal wastewater system.

Upon completion of the installation of a wastewater extension project, and after the extended facilities have passed the required testing set forth in the contract documents, the professional engineer in charge of the wastewater extension project shall notify the City Engineer in writing that the project is ready for final inspection by the City. In turn, once the final inspection meets the City's approval, the City Engineer shall notify in writing the professional engineer that the facilities have so passed said final inspection.

**32-30. MINIMUM CAPACITY, SIZE, ARRANGEMENT, AND SPACING CRITERIA**

The following minimum capacity, size, arrangement, and spacing criteria shall govern the design of extensions to the municipal wastewater system:

- (1) Capacity of Sewers. Public sanitary sewers and appurtenances shall be designed to accommodate peak hourly flows, including an allowance for infiltration, when flowing half full.
- (2) Per capita Wastewater Contributions. Per capita wastewater contributions used in the design of new public sanitary sewers and appurtenances shall be as follows:

- (a) Average Daily Flow ..... 135 gpcd\*
- (b) Peak Hourly Flow ..... 500 gpcd
- (c) Minimum Daily Flow ..... 30 gpcd

\*gpcd = gallons per capita per day

- (3) Minimum Size of Sewers. No public sanitary sewers having gravity flow shall be less than eight inches in diameter.
- (4) Minimum Slope of Sewers. Public sanitary sewers shall be designed and constructed with slopes that produce mean wastewater velocities at half flow depth of not less than two feet per second, based on Kutter's formula using an "n" value of 0.013.

Slopes greater than the minimum set forth herein shall be used in the design of public sanitary sewers whenever possible. Where wastewater velocities greater than the maximum set forth herein are necessary, special provisions shall be made to protect against internal sewer erosion, sewer displacement, downstream surcharging, and washout of trench backfill materials. All public sanitary sewers shall be installed with uniform slopes between manholes.

- (5) Arrangement of Sewers. Public sanitary sewers shall be arranged in such a manner and in such a way so as to serve by gravity flow the total tributary area of the wastewater extension project in question. The use of wastewater pumping stations to provide wastewater service for said area, or portions thereof, shall be avoided whenever it can be feasibly accomplished.

Municipal wastewater system facilities shall be arranged so that all such facilities are readily accessible for maintenance and repair. In addition, such facilities shall be situated so as to preclude the entrance of surface water into said facilities.

- (6) Alignment of Sewers. Public sanitary sewers shall be installed with a straight alignment between manholes.
- (7) Manhole Location. Unless otherwise approved in advance by the Public Works Director or designee, manholes shall be installed at the end of each public sanitary sewer; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet for sewer sizes 15 inches or less, and not greater than 500 feet for sewer sizes 18 inches or larger. Cleanouts shall not be substituted for manholes nor installed at the end of public sanitary sewers.
- (8) Drop Manholes. Drop manholes shall be avoided whenever possible during the design and construction of wastewater extensions. They shall only be used when it is proven impractical to increase the slope of the incoming sewer. Drop manholes permitted by the Public Works Director or designee shall be

constructed with an outside drop connection whenever possible. Inside drop connections, when necessary and approved by the utility, shall be installed only in over-sized manholes, shall be secured to the interior wall of the manhole, and shall be provided with an access for cleaning.

- (9) Wastewater Pumping Stations and Force Mains. Wastewater pumping stations and force mains installed during the construction of wastewater extensions shall be as specified by the Public Works Director or designee. Items to be provided may include, but not be limited to a standby power generator, a drywell for housing the pumps, and a weather-proof type building to enclose the generator and other electrical appurtenances.

#### **32-31. DEPTH OF PUBLIC SANITARY SEWERS AND APPURTENANCES**

Public sanitary sewers and appurtenances shall be installed at such depths that they can receive by gravity the contributed wastewater flows from the entire tributary area of the wastewater extension involved. Sufficient depth shall also be provided to prevent freezing and backflow of wastewater through building sewers. In addition, consideration must be given to the prevention of undue interference with other underground structures and utilities when determining the depth of public sanitary sewers.

#### **32-32. STANDARD UTILITY LOCATION**

Whenever possible and practical, public sanitary sewers constructed in public rights-of-way in new subdivisions shall be situated and installed in such a manner and in such a way so as to conform to the latest Standard Utility Location Plan adopted by the City for such types of right-of-way. Nonstandard location of public sanitary sewers in public rights-of-way in new subdivisions must be approved in writing by the City Engineer prior to their construction.

#### **32-33. POINT OF CONNECTION OF EXTENSION**

The location of the point of connection of wastewater extensions to the municipal wastewater system shall be as determine by the Public Works Director or designee. Such determination shall be based upon findings that reasonable utility standards are followed in fixing the point of connection and that no substantial deterioration of the overall quality of wastewater service to existing wastewater customers will result from permitting such a connection.

#### **32-34. PROJECT NOTICES AND OTHER CORRESPONDENCE**

The professional engineer in charge of a wastewater extension project shall submit on a timely basis to the Public Works Director or designee a copy of the advertisement for bids for the wastewater extension project, a copy of the bid summary, a copy of the executed contract documents, a copy of all notices to the installing contractor, a copy of all shop drawing submittals for the project, a copy of all change orders for the project, and a copy of any other pertinent project correspondence between the engineer and the installing contractor. Upon completion of the construction of a wastewater extension project, the professional engineer shall submit to the Public Works Director or

designee a typewritten schedule listing the location, type, size, class, and manufacturer's name of all wastewater system materials installed during the course of the project. A final, certified project cost summary, which shall include all engineering, legal, administrative, and construction costs for the installation of all the wastewater system facilities so extended under the project, shall also be submitted by the professional engineer to the Public Works Director or designee upon completion of the construction of the wastewater extension project.

### 32-35. **TESTING AND INSPECTION OF EXTENSIONS**

An extension of the wastewater system shall be properly and satisfactorily tested for infiltration/exfiltration and shall be internally inspected for installation deficiencies and cleanliness utilizing a closed-circuit television camera in accordance with the approved contract documents for said extension prior to acceptance of the extension in question by the Public Works Director or designee. All costs of performing such testing and inspection shall be borne by and at the expense of the person constructing the extension involved. The professional engineer in charge of a wastewater extension project shall provide for the inspection and supervision of all infiltration/exfiltration testing and closed-circuit television monitoring operations of the person constructing the extension involved.

A designee of the Public Works Department shall witness the performance of all testing and inspection operations of the person constructing an extension to the municipal wastewater system.

The costs incurred by Public Works Department in witnessing infiltration/exfiltration tests and in reviewing television inspection tapes/records of newly extended wastewater system facilities shall be borne by and at the expense of the person constructing the wastewater extension involved.

### 32-36. **RECORD DRAWINGS**

Upon completion of construction of an extension to the municipal wastewater system, the professional engineer for the project shall submit two electronic sets of PDF as-built drawings files and one set of electronic AutoCadd files for said project to the Public Works Director or designee. The as-built drawings so submitted shall accurately depict all field changes accomplished during the course of construction and shall be certified by the professional engineer as to being an accurate depiction of the location of all wastewater system facilities, including wastewater service lines, installed during the construction phase of the project.

Offset distances measured from the centerline of the rights-of-way to all public sanitary sewers and appurtenances shall be individually and legibly shown on the as-built drawings. Invert elevations shall be shown on the as-built drawings for each manhole, structure, and each connection thereto as well as at the end of each stubbed public sanitary sewer and/or wastewater service line. In addition, elevations showing the depth of bury of all public sanitary sewers shall be shown on the as-built drawings at such intervals along the public sanitary sewer as may be deemed appropriate by the City Engineer.



**32-37. ACCEPTANCE OF EXTENSIONS BY CITY**

After an extension project has been completed and has satisfactorily passed the City's final inspection, the professional engineer in charge of the wastewater extension project shall certify in writing to the Public Works Director and/or City Engineer that the project has been constructed and completed in conformance with the approved contract documents and is now ready for acceptance by the City. The date of official acceptance shall be established in writing by the Public Works Director and/or City Engineer, whichever is appropriate, and shall be used as it may apply for maintenance guarantees and other extension contract purposes. No wastewater service lines connected to the extended facilities shall be activated for customer use until such time as the wastewater extension project has been accepted in writing by the City and the as-built drawings have been submitted to the City.

**32-38. CONSTRUCTION CONTRACTOR REGISTRATION REQUIRED**

Persons contracting to construct extensions of the municipal wastewater system shall possess and have on file with the City a valid certificate of registration issued pursuant to and in accordance with the provisions of MCA Title 39, Chapter 9, Part 2.

**32-39. WARRANTY AND GUARANTEE**

Persons who contract to construct extensions to the municipal wastewater system shall, by appropriate performance bond filed with the City, guarantee all materials and equipment furnished and work performed for a period of not less than one year from the date of acceptance of the work by the City. Said persons shall warrant and guarantee for a period of not less than one year from the date of acceptance of the work that said work is free from all defects due to faulty materials or workmanship, and said persons shall promptly make such corrections as may be necessary by reason of such defects. In the event the persons performing such work fail to make such repairs, adjustments or other work that may be made necessary by such defects, the City may make arrangements for the performance of such work by others and charge said persons the cost thereby incurred. In addition to any other penalties, failure by said persons to pay to the City within a reasonable time such charge shall be just cause for the City to suspend or revoke the City business licenses of the persons involved. This express warranty and guarantee shall not be construed to deny City or any other affected person the right to make claim on any applicable warranty implied by law.

**32-40. PROTECTION OF EXISTING WASTEWATER SYSTEM**

Extended sewers that are connected to existing wastewater system facilities during the construction of wastewater extensions shall be securely plugged until the extended sewers have satisfactorily passed the required tests and inspections set forth in this chapter and those set forth in the contract specifications for the extension involved. Under no circumstances shall any groundwater, surface water, mud, sand, rock, or other foreign material be allowed to enter the existing wastewater system during the course of constructing extensions or making connections to the existing municipal

wastewater system. Persons installing wastewater extensions, or making connections to the existing municipal wastewater system, shall become liable to the City for any expense, loss or damage occasioned to the City by reason of their failure to prevent any foreign material from entering the existing municipal wastewater system.

**32-41. INTERRUPTIONS OF WASTEWATER SERVICE**

A person constructing an extension to the municipal wastewater system, or making a connection therewith, shall be responsible for notifying existing wastewater customers of any interruptions in their municipal wastewater service that may result from said person's operations. The specific method of notifying such customers shall be approved by the Public Works Director or designee first and before the interruptions take place. Any such interruptions shall be held to the shortest possible duration and shall be approved by the Public Works Director first and before such interruptions are affected.

**32-42. PUBLIC WORKS DEPARTMENT FEES AND CHARGES**

All fees and charges for work performed by the Public Works Department in conjunction with extensions to the municipal wastewater system shall be paid to the Public Works Department in accordance with the provisions set forth in Chapter 16. Any person who considers such fees and/or charges of the Public Works Department to be unfair, inequitable, or unreasonable may appeal payment of such fees and/or charges as provided for in Section 4-6.

**32-43. DAMAGES TO WASTEWATER SYSTEM**

Persons constructing extensions to the municipal wastewater system, or making connections to said system, shall be liable for any damages to existing municipal wastewater system facilities or other public or private property occasioned by their operations.

**32-44. COORDINATION WITH CITY ENGINEER**

The Public Works Director shall coordinate with the City Engineer all wastewater extension activities that involve the construction of public sewers and appurtenances within public rights-of-way under the jurisdiction and control of the City. In addition, the Public Works Director shall keep the City Engineer apprised of the status of construction of all such wastewater extension projects.

## **CHAPTER 34 - WATER SERVICE LINES AND FIRELINES**

### **34-1. PERMIT REQUIRED**

No unauthorized persons shall uncover, make any connection with or opening into, use, alter, repair, extend, or otherwise disturb any water service line, fireline, or combination thereof; any connection of a water service line, fireline, or combination thereof with a public water main; or any appurtenances thereto without first:

- (1) Having on file at the City a valid plumbing contractor's license or a construction contractor's certificate of registration; however, only persons with a plumbing contractor's license may perform the above work on private property, within the field of plumbing as defined in MCA Title 37, Chapter 69, Part 1;
- (2) Having on file in the office of the City Clerk a good and sufficient surety bond and certificate of public liability insurance;
- (3) Obtaining any required excavation permits for excavating in public rights-of-way;
- (4) Paying to the Public Works Department any applicable water connection charges and/or water system development fees;
- (5) Obtaining a written water service line installation permit from the Public Works Director and paying to the Public Works Department the appropriate permit fees adopted under Section 16-9(3); and,
- (6) Complying with all other local, state or federal laws pertaining to:
  - (a) The installation of water service lines and firelines;
  - (b) The making of connections to public water mains;
  - (c) The making of repairs, alterations, or extensions to such facilities; or,
  - (d) When appropriate, any work involved in making excavations in public rights-of-way or utility easements.

Construction contractors will not be subject to the permit requirements set forth in this section when stubbing-out water service lines, firelines, or combinations thereof in conjunction with public water main construction projects which have been previously approved in writing by the Public Works Director.

### **34-2. CLASSES OF PERMITS**

There shall be three classes of water service line installation permits:

- (1) For water service lines;

- (2) For firelines; and,
- (3) For combination water service lines and firelines.

**34-3. APPLICATIONS AND FEES**

Persons desiring to obtain a water service line installation permit shall make application to the Public Works Director on a special form furnished for this purpose by the Public Works Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. The appropriate permit and inspection fees adopted under Section 16-9(3) shall be paid by the applicant to the Public Works Department at the time the application for a water service line installation permit is filed with the Public Works Director.

**34-4. WATER CONNECTION AND DEVELOPMENT CHARGES**

Any applicable water connection charges assessed against the property to be served pursuant to provisions of ordinances and/or resolutions approved by the City Council shall be paid to the Public Works Department at the time the water service line installation permit application is filed with the Public Works Director. Water system development fees shall be due at the time the building permit is issued. In the event no building permit is required, the system development fees shall be due at the time the service is requested from the utility.

**34-5. BOND AND LIABILITY INSURANCE**

Persons who contract to make connections to public water mains, or to install water service lines, firelines, or combination thereof, or to make repairs, alterations, or extensions to such facilities, shall file with the City Clerk a bond in such amount as deemed appropriate by the City. Said bond shall be in a form approved by the City Attorney and shall indemnify and save the City harmless from any loss or damage that may directly or indirectly be occasioned by the installation, repair, alteration, or extension of such water service lines or firelines, or the connection of same with public water mains. In addition, said persons shall file with the City Clerk a certificate of public liability insurance in an amount acceptable to the City. Said certificate shall be in a form approved by the City Attorney and shall be conditioned to save the City harmless from any damage or injury whatsoever to any person or property of any description, however owned, by reasons of any work performed in making connections with public water mains, installing water service lines or firelines, or making repairs, alterations, or extensions to such facilities. The bond and insurance furnished shall meet all requirements of Sections 6-512 and 22-302, BMCC.

**34-6. GUARANTEE**

Persons who contract to make connections to public water mains, or to install water service lines, firelines, or combinations thereof, or to make repairs, alterations, or extensions to such facilities, shall guarantee all materials and equipment furnished and

work performed for a period of one year from the date of completion of said work. Said persons warrant and guarantee for a period of one year from the date of completion of the work that said completed work is free from all defects due to faulty materials or workmanship and such persons shall promptly make such corrections as may be necessary by reason of such defects, including the repairs of any damages to the public water main resulting from such defects. The City shall give notice of observed defects with reasonable promptness. In the event the persons performing such work should fail to make such repairs, adjustments, or other work that may be made necessary by such defects, the City may make arrangements for the performance of such work by others and charge such persons the cost thereby incurred. In addition to any other penalties, failure by said persons to pay to the City within a reasonable period of time such charge shall be just cause for the City to suspend or revoke the City business licenses of the persons involved. This express warranty and guarantee shall not be construed to deny the City or any other affected person the right to make claim on any applicable warranty implied by law.

**34-7. PROHIBITED CONNECTIONS**

Section 26-117(11), BMCC, prohibits any person from making or maintaining a connection with any pipes or private services connected with the municipal water supply system so as to obtain water from any source other than the municipal water supply system.

**34-8. INSTALLATION, OWNERSHIP, AND MAINTENANCE**

Water service lines, firelines, or combinations thereof, are owned by the owner of the property served. Said owners shall keep their water service lines, firelines, or combinations thereof, in good repair and condition at all times and, in addition to any other penalties, if not repaired within 10 days after receipt of notice by the Public Works Department to do so, water service to the property involved may be discontinued. Except as otherwise provided herein, all costs and expenses incidental to the installation of water service lines, firelines, or combinations thereof, or making connection of same with the public water mains, or making repairs, alterations, or extensions to such facilities, shall be borne by the owners of said facilities.

However, the Public Works Department shall be responsible for the repair of that portion of the customer-owned water service line and fireline, including curb valve, curb box, and valves that qualifies under the City's Water Service Line Repair Program, and the cost of making such repairs shall be charged to the City's Water Service Line Repair Fund. (See Sections 16-15 and 34-29 for additional information regarding the City's Water Service Line Repair Program.)

Water service lines, firelines, or combinations thereof, are nontransferable and shall run with the property originally served by said facilities.

#### 34-9. **EXCAVATIONS**

Persons opening up, digging into, excavating, or tunneling in any public right-of-way or utility easement for the purpose of making connections to public water mains, or to install water service lines, firelines, or combinations thereof, or to make repairs alterations, or extensions to such facilities shall prior to performing such work obtain in writing at their expense all necessary approvals, permits, licenses, surety bonds, and/or public liability insurance certificates that may be required by the agency or person having jurisdiction and control over such public rights-of-way or utility easements.

Permits for excavating within public rights-of-way under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for excavating within public rights-of-way under the jurisdiction and control of county and the state may be obtained by contacting the County Public Works office and the Montana Department of Transportation, respectively. In any case, streets, sidewalks, parkways, and any other public property disturbed in the course of the work shall be restored in a manner satisfactory to the public authority having jurisdiction and control over such public property.

#### 34-10. **TRAFFIC CONTROL AND CONSTRUCTION SIGNING**

When working within public rights-of-way or utility easements, persons making connections to public water mains, or installing water service lines, firelines, or combinations thereof, or making repairs, alterations, or extensions to such facilities shall comply with the traffic control and construction signing standards of the agency having jurisdiction and control over the rights-of-way and utility easements involved. In any case, all excavations for the installation and maintenance of water service lines, firelines, combinations thereof, and their connection with public water mains shall be adequately guarded with appropriate devices so as to protect the public from hazard.

#### 34-11. **ARRANGEMENT AND LOCATION**

Except as provided herein, a separate and independent water service line shall be provided for each individual building or living unit under separate ownership. Water service lines, firelines, or combinations thereof, shall be connected to the public water main located within the public right-of-way abutting and fronting the property to be served and within the limits of said property's frontage on the right-of-way involved. In addition, the water service line, fireline, or combination thereof, shall be installed perpendicular to the public right-of-way containing the public water main to be connected with unless approved by the Public Works Director or designee. In any case, the location and arrangement of water service lines, firelines, or combinations thereof shall be approved by the Public Works Director prior to construction of such facilities.

If a parcel of land does not front a public water main, then prior to the Public Works Director granting a water service line installation permit to the owner of such property,

said property owner shall at his expense extend the public water main the required distance in accordance with the provisions of Chapter 30.

#### **34-12. MULTIPLE BUILDING SERVICE AGREEMENTS**

In the event it is determined by the Public Works Director that it is impractical to construct an independent and separate water service line, fireline, or combination thereof to serve each building of a group of buildings, such as mobile home courts, planned unit developments, and large commercial or industrial establishments, which are located on a single parcel of land under ownership by a single entity, then in that event the Public Works Director may allow more than one separate building to be served by a single water service line, fireline, or combination thereof subject to the provisions of Section 34-18. However, the Public Works Director's approval shall not be given in such circumstances until the property owner:

- (1) Provides the Public Works Director with a copy of appropriate title memorandums and properly executes the Public Works Department's standard Multiple Building Service Covenant, records same with the County Clerk and Recorder, Yellowstone County, and subsequently provides the Public Works Director with a copy of the recorded document; and
- (2) Pays to the Public Works Department the appropriate special agreement fee adopted under Section 16-9(5).

#### **34-13. ABANDONED WATER SERVICE LINES**

Property owners desiring to abandon water service lines, firelines, or combination thereof shall cause same to be disconnected at their expense at the point of delivery or connection with the public water main. The corporation cock, tapping valve, or service valve at the public water main shall be sealed by the Public Works Department when same is exposed and the person disconnecting the water service line, fireline, or combination thereof involved has disconnected same. Old water service lines, firelines, or combination thereof may be used in connection with new buildings only when they are found on examination and/or test by the Public Works Director to meet all requirements of this chapter.

#### **34-14. LENGTH AND MINIMUM DIAMETER**

The minimum diameter of water service lines to be installed to serve any property shall be  $\frac{3}{4}$  inch and the minimum diameter of firelines shall be  $1\frac{1}{4}$  inch. However, in new subdivision extensions, or where otherwise directed by the utility, the minimum diameter of water service lines serving single buildings shall be one inch. Water service lines shall be no more than 250' in length from the curb valve to the water meter unless approved by the utility, be installed with a minimum number of joints and be of uniform diameter from the public water main in the public right-of-way to the municipal water meter. Firelines shall be of uniform diameter from the public water main in the public right-of-way to the property line of the property to be served. In any case, the diameter of water service lines, firelines, or combinations thereof shall be

subject to the approval of the City Engineer.

**34-15. DEPTH**

To prevent freezing, water service lines, firelines, or combinations thereof shall be laid six feet below the top of the established right-of-way grade, six feet below the surface of the ground on the customer's property, or 6½ feet below the top of the street curb, whichever is more restrictive.

**34-16. MATERIALS AND METHODS OF CONSTRUCTION**

The materials and methods of construction used in the installation of water service lines, firelines, or combinations thereof; their connection with the public water main; and the repair, alteration, or extension of such facilities shall all conform to the requirements of the City Engineer. In addition, all joints and connections of the water service line or fireline, including their connection with the public water main, shall be watertight. Traffic control and construction signing, trench excavation, backfilling, compaction, and surface restoration shall all comply with the requirements of the agency having jurisdiction and control over the rights-of-way and utility easements affected by such work.

**34-17. CURB VALVE**

A separate and easily accessible curb valve and cast iron curb box meeting the requirements of the Public Works Director shall be installed at or near the property line on each water service line, fireline, or combination thereof at the expense of the customer requesting such water service line, fireline, or combination thereof. The specific location and arrangement of the curb valve and curb box on the water service line, fireline, or combination thereof shall be as designated and approved by the City Engineer. Customers shall keep their curb valves and curb boxes in good repair and condition at all times, and failure to do so shall be just cause to discontinue water service to the property involved, as provided for under Section 6-8. Furthermore, if the customer fails to repair the curb valve or curb box after being given 30 days written notice of its disrepair, utility may repair the curb valve and curb box at the customer's expense.

**34-18. POINT OF CONNECTION TO PUBLIC WATER MAIN**

The point of connection of a water service line, fireline, or combination thereof with the public water main shall be determined and approved by the Public Works Director prior to making such connection. In the event a water service line, fireline, or combination thereof has previously been stubbed to the property line of the property to be served, then in that case the connection shall be made to the stubbed-out water service line, fireline, or combination thereof in order to provide the required service to said property.

**34-19. CONNECTIONS TO PUBLIC WATER MAINS**

In any situation requiring the connection of a water service line, fireline, or combination thereof directly to a public water main that is presently in service and connected with



the municipal water supply system, the tapping of the public water main shall be performed only by authorized employees of the Public Works Department.

All expenses associated with the making of taps by the Public Works Department to all water mains presently connected with the municipal water supply system shall be borne by the customer involved, including such water mains installed by means of special improvement districts or by private contracts to serve property located within or without the corporate city limits. Extra capacity or special taps for firelines, lawn sprinkling systems, etc. shall also be made by the Public Works Department at the customer's sole expense. Any payment to be made to the Public Works Department for work performed in making a connection to the public water main shall be in accordance with the provisions of Section 16-9(10). All such other work such as, but not limited to, any traffic control and construction signing, any excavation work, any trench backfilling and compaction work, and any surface restoration work shall be performed by and at the expense of the person installing the water service line, fireline, or combination thereof, in question. The person installing a water service line, fireline, or combination thereof, shall be responsible for providing safe trench conditions for the employees of the Public Works Department when making a tap to the public water main. Failure to provide safe trench conditions shall be cause for immediate refusal by the Public Works Department to perform any such tapping work.

In any event, every water service line shall have an approved corporation stop or gate valve installed on the service line at or near its connection with the public water main. The corporation stop or gate valve shall be provided at the customer's expense.

**34-20. INSPECTION AND TAPPING NOTIFICATION**

Applicants for water service line installation permits shall notify the Public Works Director or designee 24 hours in advance of when the facilities authorized to be installed by the permit are ready for inspection and/or connection to the public water main. Upon such notification, the Public Works Director or designee shall, whenever possible, schedule the inspection and, if necessary, the tapping of the public water main, on or before the next regular working day for the City immediately following such notification. No inspections or taps will be made after regular working hours, on Saturdays, Sundays, or City holidays. Persons requesting an inspection and/or tap to the public water main shall be ready to have the inspection and/or tap at the time designated by such persons.

**34-21. METERING**

Metering of water service lines shall be accomplished in accordance with the provisions of Chapter 18.

**34-22. DAMAGE TO PUBLIC WATER MAINS**

The person installing water service lines, firelines, or combinations thereof shall cause to be immediately repaired at his expense any damage to the public water main

occasioned by his operations.

#### **34-23. WATER SERVICE LINE STUB-OUTS**

Pursuant to and in accordance with the provisions of MCA 7-12-4133, as amended, the City Council hereby requires that connections from the public water main to the property line of the adjacent property shall be made prior to the permanent improvement of the streets whereon they are located. The making of such connection on streets already improved, or on unimproved streets, shall be in accordance with all applicable provisions of ordinances regulating same. In case the owners of the property on such streets fail to make such connections prior to commencement of such street improvements, the Public Works Director may cause such connections to be made, and shall assess against the property in front of which said connections are made the entire cost and expense thereof. All assessments levied under the provisions of this section shall be enforced and collected in the same manner as other special assessments provided for in Title 7, Chapter 6, Part 44, MCA.

#### **34-24. PROTECTIVE DEVICES**

When it is deemed by the Public Works Director that such protective devices are necessary to protect another customer's facilities and/or the municipal water supply system, the Public Works Director may require a customer to install, as a condition of continued water service and at the customer's expense, an approved expansion tank, pressure reducing valve, backflow prevention device, pressure relief valve, or any other similar type device on customer's water service line at a location designated by the Public Works Director. Customers shall be responsible for keeping such protective devices in good repair and effective operating condition at all times, and failure to do so shall be just cause to discontinue water service to the property involved.

With the exception of the backflow prevention device supplied with meter horns, backflow prevention devices shall be assemblies capable of being tested and shall be located immediately downstream of the meter. No piping connections, other than approved meter bypass piping, shall be connected between the meter and the assembly. The Public Works Director may also require that any required backflow prevention assemblies be tested at the customer's expense by a certified backflow assembly tester prior to placing the assembly into permanent service and periodically thereafter, with copies of all test results provided to the director within 10 days after conducting the tests.

Customers may be required to replace the dual check valves supplied with meter horns for 1-inch and smaller meters with backflow prevention assemblies depending on the usage and degree of hazard as determined by the Public Works Director.

#### **34-25. PLUMBING CODE**

Except as otherwise provided herein, applicable provisions of the Uniform Plumbing Code shall govern the installation on private property of that portion of a water service line, irrigation line, fireline, or combination thereof installed between the curb stop and

the customer's plumbing system.

#### **34-26. FIRELINES**

Firelines shall be applied for and installed in compliance with the appropriate requirements of this chapter, and, in addition, they shall comply with the utility's standards of design and construction for firelines. A fireline shall not be interconnected with domestic service pipes downstream of the curb valve, and each fireline shall have its own independent curb valve, which shall be located at or near the water main in the street at a point designated by the utility. However, when approved by the Public Works Director, in cases where a single meter is being used to serve a development with both domestic and fireline service, the fireline and domestic service pipes may be interconnected downstream of the curb valve.

Water shall be drawn by a customer from firelines for fire protection purposes only. Customer's found by the utility to be using water from firelines for other than fire protection purposes may have all their water service immediately discontinued by utility until such time as the customer, at his expense, installs metering equipment meeting utility's specifications on said firelines. In the event the utility turns off a customer's fireline because of nonpayment of water bills or noncompliance with these regulations, the utility shall immediately notify the City Fire Department of said turnoff.

All firelines which connect to the municipal water supply system shall have approved backflow prevention devices installed on same to prevent backflow into such system. In addition, fireline loops connecting with the municipal water supply system at more than one location shall have approved backflow prevention devices installed on the fireline loops to prevent circulation of water through customer's firelines into the municipal water supply system. All devices on firelines shall be the detector type.

Customer shall pay to the utility the rates for fireline services as per the utility's approved rate schedules for this type of service, and all such payments shall be made in accordance with Section 16-4.

#### **34-27 FLUSHING, DISINFECTING AND TESTING**

Installed or repaired water service lines, or any part thereof, shall be properly flushed, pressure tested for leakage, disinfected with chlorine, and tested by a DEO-certified laboratory for bacteria prior to use and/or setting the municipal water meter.

#### **34-28 WATER SERVICE LINE REPAIR PROGRAM**

The City has adopted a Water Service Line Repair Program. All active, inside-city, fireline customers and metered water customers shall be members of this program. Under this program, the Public Works Department will repair that portion of a member's fireline and/or water service line located between the public water main and the member's property line, including the curb valve, curb box, and valves. The cost of such repair will be charged to the City's Water Service Line Repair Program Fund. The Public Works Department will also restore any damage to public property and public right-of-way associated with such repair and charge such restoration to said fund. (See

Section 16-15 and 34-8 for additional information regarding the City's Water Service Line Repair Program.)

## **CHAPTER 36 - WASTEWATER SERVICE LINES AND CONNECTIONS**

### **36-1. PERMIT REQUIRED**

No unauthorized persons shall uncover, make any connection with or opening into, use, alter, repair, extend, or otherwise disturb any wastewater service line, any connection of a wastewater service line with a public sanitary sewer, or any appurtenances thereof without first:

- (1) Having on file at the City a valid plumbing contractor's license or a construction contractor's certificate of registration; however, only persons with a plumbing contractor's license may perform the above work on private property, within the field of plumbing as defined in MCA Title 37, Chapter 69, Part 1;
- (2) Having on file in the office of the City Clerk a good and sufficient surety bond and a certificate of public liability insurance;
- (3) Obtaining any required excavation permits for excavating in public rights-of-way;
- (4) Paying to the Public Works Department any applicable sanitary sewer connection charges and/or wastewater system development fees;
- (5) Obtaining a written wastewater service line installation permit from the Public Works Director and paying to the Public Works Department the appropriate permit fee adopted under Section 16-9(4); and,
- (6) Complying with all other local, state or federal laws pertaining to:
  - (a) The installation of wastewater service lines and appurtenances;
  - (b) The making of connections to the public sanitary sewer;
  - (c) The making of repairs, alterations, or extensions to such facilities; or,
  - (d) When appropriate, any work involved in making excavations in public rights-of-way or utility easements.

Construction contractors will not be subject to the permit requirements set forth herein this section when stubbing-out wastewater service lines in conjunction with public sanitary sewer line construction projects which have been previously approved in writing by the Public Works Director.

### **36-2. CLASSES OF PERMITS**

There shall be three classes of wastewater service line installation permits:

- (1) For domestic users;

- (2) For major and significant industrial users; and
- (3) For minor industrial users.

**36-3. APPLICATIONS AND FEES**

Persons desiring to obtain a wastewater service line installation permit shall make application to the Public Works Director on a special form furnished for this purpose by the Public Works Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. The appropriate permit and inspection fees adopted under Section 16-9(4) shall be paid by the applicant to the Public Works Department at the time the application for a wastewater service line installation permit is filed with the Public Works Director.

**36-4. SEWER CONNECTION AND DEVELOPMENT CHARGES**

Any applicable sewer connection charges assessed against the property to be served pursuant to the provisions of ordinances and/or resolutions approved by the City Council shall be paid to the Public Works Department at the time the wastewater service line installation permit application is filed with the Public Works Director. Wastewater system development fees shall be due at the time the building permit is issued. In the event no building permit is required, the fees shall be due at the time the service is requested from the utility.

**36-5. BOND AND LIABILITY INSURANCE**

Persons who contract to make connections to the public sanitary sewer, or to install wastewater service lines and appurtenances, or to make repairs, alterations, or extensions to such facilities, shall file with the City Clerk a bond in such amount as deemed appropriate by the City. Said bond shall be in a form approved by the City Attorney and shall indemnify and save the City harmless from any loss or damage that may directly or indirectly be occasioned by the installation, repair, alteration, or extension of such wastewater service lines and appurtenances or the connection of same with the public sanitary sewer. In addition, said persons shall file with the City Clerk a certificate of public liability insurance in an amount acceptable to the City. Said certificate shall be in a form approved by the City Attorney and shall be conditioned to save the City harmless from any damage or injury whatsoever to any persons or property of any description, however owned, by reasons of any work performed in making connections with the public sanitary sewer, installing wastewater service lines and appurtenances, or making repairs, alterations, or extensions to such facilities. The bond and insurance furnished shall meet all requirements of Sections 6-512 and 22-302, BMCC.

**36-6. GUARANTEE**

Persons who contract to make connections to the public sanitary sewer, or to install wastewater service lines and appurtenances, or to make repairs, alterations, or extensions of such facilities shall guarantee all materials and equipment furnished and

work performed for a period of one year from the date of completion of said work. Said persons warrant and guarantee for a period of one year from the date of completion of the work that said completed work is free from all defects due to faulty materials or workmanship and such persons shall promptly make such corrections as may be necessary by reason of such defects including the repairs of any damages to the public sanitary sewer resulting from such defects. The City shall give notice of observed defects with reasonable promptness. In the event the persons performing such work should fail to make such repairs, adjustments, or other work that may be made necessary by such defects, the City may make arrangements for the performance of such work by others and charge such persons the cost thereby incurred. In addition to any other penalties, failure by said persons to pay to the City within a reasonable period of time such charge shall be just cause for the City to suspend or revoke the City business licenses of the persons involved. This express warranty and guarantee shall not be construed to deny the City or any other affected person the right to make claim based on any applicable warranty implied by law.

**36-7. PROHIBITED CONNECTIONS**

No person shall connect roof spouts, foundation drains, areaway drains, cooling water drains, or other sources of surface runoff, groundwater, or unpolluted water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. In addition, no person shall permit or cause to be discharged to the treatment works any materials or substances in excess of those limited or prohibited under the provisions of Chapters 22 and 24.

**36-8. INSTALLATION, OWNERSHIP, AND MAINTENANCE**

Wastewater service lines and appurtenances, including the connection of same with the public sewer, are owned by the owner of the property served. Said owners shall keep their wastewater service lines and appurtenances, as well as the connection of same with the public sanitary sewer, in good repair and condition at all times, and, in addition to any other penalties, if not repaired within 10 days after receipt of notice by the Public Works Department to do so, water service to the property involved may be discontinued. All costs and expenses incidental to the installation of wastewater service lines and appurtenances; making connection of same with the public sanitary sewer; or making repair, alterations, or extension to such facilities shall be borne by the owners of said facilities. Wastewater service lines and appurtenances are nontransferable and shall run with the property originally served by said facilities.

**36-9. EXCAVATIONS**

Persons opening up, digging into, excavating, or tunneling in any public right-of-way or utility easement for the purpose of making connections to the public sanitary sewer, or to install wastewater service lines and appurtenances, or to make repairs, alterations, or extensions to such facilities shall prior to performing such work obtain in writing at their expense all necessary approvals, permits, licenses, surety bond, and/or public liability insurance certificates that may be required by the agency or person having jurisdiction and control over such public rights-of-way or utility easements. Permits for excavating within public rights-of-way under the jurisdiction and control of the City may be obtained from the City Engineer. Information concerning permits for

excavating within public rights-of-way under the jurisdiction and control of county and the state may be obtained by contacting the County Public Works office and the Montana Department of Transportation, respectively. In any case, streets, sidewalks, parkways and any other public property disturbed in the course of the work shall be restored in a manner satisfactory to the public authority having jurisdiction and control over such public property.

**36-10. TRAFFIC CONTROL AND CONSTRUCTION SIGNING**

When working within public rights-of-way or utility easements, persons making connections to the public sanitary sewer, or installing wastewater service lines and appurtenances, or making repairs, alterations, or extensions to such facilities shall comply with the traffic control and construction signing standards of the agency having jurisdiction and control over the rights-of-way and easements involved. In any case, all excavations for the installation and maintenance of wastewater service lines and their connection with the public sanitary sewer shall be adequately guarded with appropriate devices so as to protect the public from hazard.

**36-11. ARRANGEMENT AND LOCATION**

Except as provided herein, a separate and independent building sewer shall be provided for each individual building or living unit under separate ownership. Wastewater service lines shall be connected to the public sanitary sewer located within the public right-of-way abutting and fronting the property to be served and within the limits of said property's frontage on the right-of-way involved. In addition, the wastewater service lines shall be installed perpendicular to the public right-of-way containing the public sanitary sewer to be connected with unless approved by the Public Works Director or designee. All building sewers shall be installed in such a manner so as to facilitate use of the municipal water meters for determining the wastewater volumes required for billing purposes. In any case, the location and arrangement of building sewers shall be approved by the Public Works Director prior to the construction of such facilities.

If a parcel of land does not front a public sanitary sewer, then prior to the Public Works Director granting a sanitary sewer service line installation permit to the owner of such property, said property owner shall at his expense extend the public sanitary sewer the required distance in accordance with the provisions of Chapter 32.

**36-12. MULTIPLE BUILDING SERVICE AGREEMENTS**

The Public Works Director may allow more than one separate building to be served by a single building sewer if it is determined by the Public Works Director that it is impractical to construct an independent and separate building sewer to serve each building within a group of buildings which are located on a single parcel of land under ownership by a single entity. This could include mobile home courts, planned unit developments, and large commercial or industrial establishments. However, the Public Works Director's approval shall not be given in such circumstances until the property owner:



- (1) Provides the Public Works Director with a copy of appropriate title memorandums and properly executes the Public Works Department's standard Multiple Building Service Covenant, records same with the County Clerk and Recorder, Yellowstone County, and subsequently provides the Public Works Director with a copy of the recorded document; and
- (2) Pays to the Public Works Department the appropriate special agreement fee adopted under Section 16-9(5).

### 36-13. **ABANDONED SEWERS**

Property owners desiring to abandon wastewater service lines and appurtenances shall at their expense have such facilities discontinued at or near the property line and shall have same properly plugged or capped in a manner approved by the Public Works Director. Old wastewater service lines may be used in connection with new buildings only when they are found on examination and/or test by the Public Works Director to meet all requirements of this chapter.

### 36-14. **SIZE AND SLOPE**

The size and slope of the wastewater service line shall be subject to the approval of the Public Works Director but in no event shall the diameter be less than six inches. The slope of the wastewater service line shall not be less than  $\frac{1}{4}$  inch per foot unless approved otherwise in accordance with the Uniform Plumbing Code.

### 36-15. **DEPTH**

The building sewer shall be brought to the building at an elevation below the basement floor unless otherwise approved by the Public Works Director or designee. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Persons installing basements with floor drains should contact the Public Works Department for information concerning the depth of the public sanitary sewer prior to commencing construction of such basements. In addition, it is recommended that users install, as well as periodically inspect and maintain, a one-way valve in their building drain for the purpose of preventing the backing-up of wastewater into their buildings in the event a stoppage occurs in the building sewer and/or the public sanitary sewer serving the user's property.

### 36-16. **MATERIALS AND METHODS OF CONSTRUCTION**

The materials and methods of construction used in the installation of wastewater service lines and appurtenances, its connection with the public sanitary sewer, and the repair, alteration or extension of such facilities shall all conform to the requirements of the Public Works Director or designee. In addition, all joints and connections of the wastewater service line, including its connection with the public sanitary sewer, shall be gastight and watertight. Traffic control and construction signing, trench excavation, backfilling, compaction, and surface restoration shall all comply with the requirements

of the agency having jurisdiction and control over the rights-of-way and utility easements affected by such work.

**36-17. POINT OF CONNECTION TO PUBLIC SANITARY SEWER**

The connection of the wastewater service line with the public sanitary sewer shall be made at the wye or tee branch installed to serve the property involved. In the event there is no record on file at the Public Works Department of a wye or tee branch for the property to be served, or if there is no wye or tee branch available within three feet from either side of the location given by the Public Works Department for said wye or tee branch, the person installing the wastewater service line may be permitted by the Public Works Director or designee to tap the public sanitary sewer and install an approved sewer pipe saddle. The tapping of the public sanitary sewer and the installation of the sewer pipe saddle, as well as any work appurtenant thereto, shall be subject to the approval of the Public Works Director or designee and shall be at the expense of the installing contractor. The tapping of a public sanitary sewer having a diameter greater than 12 inches shall be allowed only after receiving special written permission from the Public Works Director or designee to do so and then only in full compliance with such methods and procedures the Public Works Director or designee may prescribe. In no case shall wastewater service lines having a diameter of less than 8 inches be connected to any manholes located on the public sanitary sewer.

**36-18. INSPECTION NOTIFICATION**

The applicant for the wastewater service line installation permit shall notify the Public Works Director or designee when the work authorized to be performed by said permit is ready for inspection. Connection of a wastewater service line with the public sanitary sewer shall only be made under the supervision of the Public Works Director. No inspections will be made after regular working hours, on Saturdays, Sundays, or City holidays. Persons requesting an inspection shall be ready to have such inspection at the time designated by said persons.

**36-19. DAMAGE TO PUBLIC SANITARY SEWER**

The person installing wastewater service lines and appurtenances, or making connections of same to the public sanitary sewer, or making repairs, alterations, or extensions to such facilities shall cause to be repaired at his expense any damage to the public sanitary sewer occasioned by his operations.

**36-20. KEEPING SEWERS CLEAN**

During the course of his operations, a person installing wastewater service lines and appurtenances, or making connections to the public sanitary sewer, or making repairs, alterations or extensions to such facilities shall not allow any ground water, surface water, mud, gravel, sand, rock, septage, or other similar type materials to enter the public sanitary sewer by said person shall be immediately removed by such person at his expense. In addition, said persons shall become liable to the City for any expense, loss, or damage occasioned to the City by reason of his failure to prevent foreign material from entering the public sanitary sewer.

**36-21. WASTEWATER SERVICE LINE STUB-OUTS**

Pursuant to and in accordance with the provisions of MCA 7-12-4133, as amended, the City Council hereby requires that connections from the public sanitary sewer to the property line of the adjacent property shall be made prior to the permanent improvement of the streets whereon they are located. The making of such connection on streets already improved, or on unimproved streets, shall be in accordance with all applicable provisions of ordinances regulating same. In case the owners of the property on such streets fail to make such connections prior to commencement of such street improvements, the City Administrator may cause such connections to be made, and shall assess against the property in front of which said connections are made the entire cost and expense thereof. All assessments levied under the provisions of this section shall be enforced and collected in the same manner as other special assessments provided for in Title 7, Chapter 6, Part 44, MCA.

**36-22. PLUMBING CODE**

Except as otherwise provided herein, applicable provisions of the Uniform Plumbing Code shall govern the installation of that section of the building sewer on private property installed between the building drain and the wastewater service line.

## **CHAPTER 38 - TRUCKED AND HAULED WASTES**

### **(Domestic Septage, Municipal, Commercial, Non-Hazardous Industrial Wastes)**

#### **38-1. PROHIBITED DISCHARGE**

It is prohibited to discharge septage or trucked waste either directly or indirectly into any municipal wastewater system/storm sewer system, or any appurtenance thereof.

#### **38-2. AUTHORIZED DISCHARGE LOCATIONS**

Authorized discharge locations at the wastewater treatment plant shall be determined by the Waste Water Treatment Plant Division Manager. The City may revoke a permit for discharging into an unauthorized location.

#### **38-3. ALLOWABLE WASTES**

Domestic septage, grease and pre-approved municipal, commercial non-hazardous industrial wastes generated within Yellowstone County will be allowed to be discharged at the wastewater treatment plant. Wastes generated outside of Yellowstone County must be pre-approved by the Public Works Director or designee. Only septage pumped from septic tanks that receive primarily segregated domestic wastes and/or wastes from sanitary facilities such as, but not limited to porta potties, shall be allowed to be discharged into the waste disposal station. Grease interceptor wastes will be accepted at the Grease Removal Station only. Pre-approved non-hazardous industrial trucked waste shall be allowed to be discharged into the waste disposal station or other approved discharge location.

The contents of grease traps and interceptors from food-related establishments may be accepted by the utility with prior approval, arrangement and scheduling. Grease wastes properly delivered to an authorized discharge location are exempt from the requirements of the Pretreatment Program's concentration of grease.

#### **38-4. PERMIT REQUIRED**

It is unlawful for any person to discharge trucked waste into an authorized discharge location without first obtaining and properly executing a written permit and manifest for that purpose.

It is unlawful for any person to contract with a septage hauler for the purpose of hauling septage from a nondomestic source without first obtaining a manifest form from the City and properly executing the manifest for the septage hauler at the time of waste pick up.

### **38-5. APPLICATION AND PERMIT FEE**

All septage/trucked waste haulers shall be licensed with the State of Montana and have a City Business License (if working within City limits). Proof of licensing is required when obtaining Septage Disposal Permit coupons and manifest forms. Permits or manifests will be issued upon compliance with the provisions of this chapter and paying the trucked waste disposal permit fee as required under Section 16-9(13).

The City may refuse to grant or may revoke a permit for the disposal of trucked waste into an authorized discharge location for any applicant who has willfully and/or repeatedly violated the provisions of this chapter.

### **38-6. RECEIVING TICKETS**

Manifests shall be properly executed in triplicate for each source of trucked waste. One copy of the manifest shall be filed with the Wastewater Treatment Plant, one copy shall be retained by the septage hauler, and one copy shall be provided to the person(s) generating the waste. The manifest shall have all requested information filled in by the hauler. All manifests must be signed by the generator, septage hauler, and an authorized representative of the Public Works Department prior to discharge to the wastewater treatment facility.

For residential septage only, the manifest may be signed by the hauler. Failure to furnish all information may subject the septage hauler and/or persons generating the waste to penalties under the applicable City ordinances, and rules and regulations.

### **38-7. SUPERVISION OF DISCHARGING**

Discharging of trucked wastes at an authorized discharge station shall be allowed only under the supervision of the Waste Water Treatment Plant Division Manager and during the hours of 7:00 a.m. to 7:00 p.m. each normal working day. The Public Works Director or designee may control and/or limit the amount of trucked waste discharged into an authorized discharge location during any specific period of time to prevent overloading or detriment to the City's wastewater treatment plant operations. Haulers shall obey all wastewater treatment plant safety and traffic regulations while on the treatment plant site. In addition, such haulers shall obey all operational and clean-up regulations posted by the Public Works Director in and around an authorized discharge location.

### **38-8. INADMISSIBLE WASTES**

It is unlawful to discharge or cause to be discharged into an authorized discharge location any industrial wastes; radioactive wastes; corrosive wastes (pH below 5 or above 11); explosive mixtures; unpolluted waters; petroleum oils; mineral oils; nonbiodegradable cutting oils; chemical wastes; toxic or poisonous substances; wax; solid or viscous wastes, such as but not limited to mud, sand or gravel; or any other wastes or substances prohibited from being discharged into the municipal wastewater system by City ordinances.

### **38-9. SAMPLING AND TESTING OF SEPTAGE**

The Public Works Director or designee may require the trucked waste discharged into an authorized discharge location to be periodically tested and analyzed for the purpose of determining whether the waste complies with the provisions of this chapter.

When required haulers or authorized representatives of the Public Works Department shall obtain a sample of the contents from each load of trucked waste at the time same is discharged into an authorized discharge location. This sample shall be appropriately identified by the hauler. All measurements, tests, and analyses of the characteristics of the waste to which reference is made in City ordinance shall be determined in accordance with the latest edition of the Environmental Protection Agency's 40 CFR Part 136. Sampling methods, durations, and frequencies shall be subject to approval by the Public Works Director or designee.

## **CHAPTER 40 - FIRE HYDRANTS**

### **40-1. PUBLIC FIRE HYDRANTS**

All public fire hydrants installed in the water service area and within the corporate limits of the City of Billings, and which are connected directly to public water mains, shall be under the ownership of the utility. Such fire hydrants shall be installed at the expense of the property benefited by such hydrants by means of either special improvement districts or private contracts, as required under Section 30-15. They shall be kept in reasonable repair by the utility and every such public fire hydrant shall be periodically tested for proper operation by the utility.

### **40-2. OPERATION OF PUBLIC FIRE HYDRANTS**

No person, other than a member of the City Fire Department and other authorized city employees, or employees of the utility, shall open or operate any public fire hydrant without permission of the utility.

### **40-3. INSTALLATION OF BLOW-OFF HYDRANTS**

Blow-off hydrants, including the hydrant branch pipe and valve, shall be installed at the expense of the property benefited by such facilities. The type, size, and materials of construction of said hydrants and appurtenances shall be subject to the municipal water utility's specifications and approval. Installation of blow-off hydrants and appurtenances shall be in accordance with utility's standards of design and construction.

### **40-4. RELOCATION OF PUBLIC FIRE HYDRANTS**

Fire hydrant installations shall be deemed permanent after they are once installed. Requests for the utility to relocate fire hydrants shall be considered only in the event the expenses of relocating the fire hydrants will be borne by the individual or entity requesting the relocation. In the case of relocations requested by the City of Billings, such expenses shall be paid to the utility from either the Property Safety Water Supply Service Fund or by the construction project involved.

### **40-5. OBSTRUCTING PUBLIC FIRE HYDRANTS**

No person shall obstruct access to public fire hydrants by constructing fences or other structures in such a manner as to prevent ready access to the public fire hydrants. In addition, no person shall plant trees, shrubs, bushes, or other plantings in such a manner as to prevent ready access to the public fire hydrants. Further, no person shall change the ground surface level in and around a public fire hydrant so as to render the hydrant inaccessible and/or inoperable. Any person found in violation of this particular regulation shall be given written notice to remove such obstruction at his expense and if such violation is not corrected by the person involved within 10 days from receipt of written notice, the water supply to said person's property shall be turned off by the utility.

40-6. **DAMAGES TO PUBLIC FIRE HYDRANTS**

Any person damaging or defacing a public fire hydrant shall be responsible to the utility for the repair of such damage.

40-7. **PAINTING OF PUBLIC FIRE HYDRANTS**

The painting of public fire hydrants shall be accomplished only by employees of the utility. All public fire hydrants shall be painted using the City's standard color scheme.

40-8. **PRIVATE FIRE HYDRANTS**

Private fire hydrants are owned by the customer. The costs of installing, operating, maintaining, and replacing such hydrants shall be at the expense of the customer. Customer shall pay to the utility the rates for private fire hydrants in accordance with utility's approved rate schedules for this type of service, as required under Section 16-4.

40-9. **FLUSHING**

All flushing shall meet all existing and current State of Montana and City of Billings requirements.



## **CHAPTER 42 - UTILITY'S RECORDS AND ACCOUNTING SYSTEM**

### **42-1. GENERAL**

The utility shall keep such records as are required by law and industry standards. The destruction of utility records and the utility accounting system shall generally be in compliance with MCA 7-5-4124 and with the National Association of Regulatory Utility Commissioners' "Regulations to Govern The Preservation of Records of Electric, Gas and Water Utilities," latest edition, and the "Uniform System of Accounts For Class A and B Water Utilities," latest edition, respectively.

## **CHAPTER 44 - ANNUAL REPORTS**

### **44-1. GENERAL**

The utility shall file such reports with the City Council and other state and federal regulatory agencies as may be required. Said reports shall be submitted to such entities on forms approved by, and furnished by, the various entities.