

ORDINANCE NO. 96-1001

**BIG SKY COUNTY WATER
&
SEWER DISTRICT NO. 363**

SEWER USE ORDINANCE

Approved: July 16, 1996

ORDINANCE NO. 96-1001

WASTEWATER MANAGEMENT & SERVICE CHARGE ORDINANCE

TABLE OF CONTENTS

ARTICLE I - DEFINITIONS	- 1 -
Section 101 DEFINITIONS	- 1 -
ARTICLE II - USE OF THE PUBLIC SYSTEM	- 4 -
Section 201 DISTRICT BOUNDARIES-SERVICE AREA	- 4 -
Section 202 PROHIBITIONS & LIMITATIONS	- 4 -
Section 203 EXCEPTIONS	- 5 -
Section 204 AUTHORIZATION OF WORK	- 5 -
ARTICLE III - CONNECTION PERMITS & FEES	- 5 -
Section 301 LEGAL OBLIGATION AS BASIS FOR ISSUING CONNECTION PERMITS	- 5 -
Section 302 ALLOCATION OF CAPACITY	- 6 -
Section 303 CONNECTION TO THE PUBLIC SYSTEM	- 6 -
Section 304 CONNECTION PERMIT	- 6 -
Section 305 APPLICATION FOR A CONNECTION PERMIT	- 6 -
Section 306 CONNECTION PERMIT APPROVAL	- 6 -
Section 307 CONNECTION PERMIT DENIAL	- 6 -
Section 308 CONNECTION PERMIT TERM & EXPIRATION	- 7 -
Section 309 NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT	- 7 -
Section 310 REALLOCATION OF PRIVILEGE TO CONNECT	- 7 -
Section 311 CONNECTION PERMIT FEES	- 7 -
Section 312 CONNECTION IMPACT FEES	- 8 -
Section 313 COST OF SEWER CONNECTION	- 8 -
ARTICLE IV - INDIVIDUAL WASTEWATER TREATMENT SYSTEMS	- 8 -
Section 401 INDIVIDUAL WASTEWATER TREATMENT SYSTEMS	- 8 -
Section 402 INSTALLATIONS	- 9 -
Section 403 OPERATION & MAINTENANCE	- 9 -
ARTICLE V - PUBLIC SYSTEM USER FEES	- 9 -
Section 501 POLICY	- 9 -
Section 502 USER FEE METHOD	- 9 -
Section 503 REPLACEMENT FUND	- 10 -
Section 504 USER FEE RESOLUTION	- 10 -
Section 505 CHARGE FOR TOXIC POLLUTANTS	- 11 -
Section 506 BILLING PRACTICE, COLLECTION & PENALTIES	- 11 -
Section 507 PAYMENT OF USER FEES	- 11 -
Section 508 LATE PENALTY	- 11 -
Section 509 LIENS	- 11 -
ARTICLE VI - SEWER CONSTRUCTION & LATERAL CONNECTIONS	- 11 -
Section 601 CONNECTION INSPECTIONS	- 11 -
Section 602 USE OF OLD SEWER LATERALS	- 11 -
Section 603 MATERIALS & METHODS OF CONSTRUCTION	- 11 -

Section 604	SEWER LATERAL GRADE	- 11 -
Section 605	STORM & GROUND WATER DRAINS	- 11 -
Section 606	SEPARATE CONNECTIONS	- 11 -
Section 607	GARBAGE DISPOSALS	- 11 -
Section 608	BARRICADES & RESTORATION	- 12 -
ARTICLE VII - WATER CONSERVATION		- 12 -
Section 701	WATER CONSERVATION	- 12 -
ARTICLE VIII - SEWER EXTENSIONS		- 12 -
Section 801	SEWER EXTENSIONS	- 12 -
Section 802	SEWER EXTENSION APPROVAL	- 12 -
Section 803	MATERIALS & METHODS OF CONSTRUCTION	- 12 -
Section 804	PLAN MODIFICATIONS	- 13 -
Section 805	ACCEPTANCE & TRANSFER OF OWNERSHIP	- 13 -
Section 806	WARRANTY PERIOD	- 13 -
ARTICLE IX- INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM		- 13 -
Section 901	INDUSTRIAL DISCHARGES	- 13 -
Section 902	DILUTION PROHIBITION	- 13 -
Section 903	SPILL PREVENTION AND SLUG CONTROL PLANS	- 13 -
Section 904	NOTIFICATION	- 14 -
Section 905	MONITORING OF INDUSTRIAL DISCHARGES	- 14 -
Section 906	PRETREATMENT	- 14 -
Section 907	GREASE, OIL & SAND INTERCEPTORS	- 14 -
Section 908	DISTRICT APPROVAL	- 14 -
ARTICLE X - ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION		- 15 -
Section 1001	RIGHT OF ENTRY	- 15 -
Section 1002	HOLD HARMLESS	- 15 -
ARTICLE XI - VIOLATIONS & PENALTIES		- 15 -
Section 1101	ACCIDENTAL DISCHARGE	- 15 -
Section 1102	LIABILITY TO DISTRICT FOR LOSSES	- 15 -
Section 1103	VANDALISM	- 15 -
Section 1104	INJUNCTION	- 15 -
Section 1105	FINES & PENALTIES FOR VIOLATION	- 15 -
ARTICLE XII - APPEALS		- 15 -
Section 1201	REQUEST FOR APPEAL	- 15 -
ARTICLE XIII - VALIDITY		- 16 -
Section 1301	SUPERSEDING PREVIOUS ORDINANCES	- 16 -
Section 1302	INVALIDATION CLAUSE	- 16 -
Section 1303	AMENDMENT	- 16 -
ARTICLE XIV - EFFECTIVE DATE		- 16 -
Section 1401	DATE OF EFFECT	- 16 -

ORDINANCE NO. 96-1001

WASTEWATER MANAGEMENT & SERVICE CHARGE ORDINANCE

The Board of Directors of the Big Sky County Water & Sewer District No. 363, pursuant to the authority granted under section 7-13-2218(9), MCA, adopts an ordinance regulating the public system, individual wastewater treatment systems, the installation and connection of sewer laterals, and the discharge of waters and wastes into the sewage system.

Be it ordained and enacted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana as follows:

ARTICLE I - DEFINITIONS

Section 101 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance are as follows:

"BOARD" means the Board of Directors of the Big Sky County Water & Sewer District No. 363.

"BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

"BUILDING DRAIN" means that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer lateral beginning outside of the building wall.

"DEPARTMENT" means the Department of Environmental Quality provided for in 2-15-3501, MCA.

"DISTRICT" means the Big Sky County Water & Sewer District No. 363 created pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA.

"GENERAL MANAGER" means the manager of the sewage system and wastewater treatment facilities of the District, or his authorized representative.

"EASEMENT" means an acquired legal right for the specified use of land owned by others.

"EFFLUENT" means the outflow of treated sewage from the wastewater treatment facilities.

"FLOATABLE OIL" is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pre-treated and does not interfere with the collection system.

"GARBAGE" means the ground animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"INCOMPATIBLE POLLUTANTS" means wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

"INDIVIDUAL WASTEWATER TREATMENT SYSTEM" means any privy, privy vault, septic tank, drain field, cesspool, or other individual facility for the treatment or disposal of wastewater.

"INDUSTRIAL WASTE" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

"LATERAL STUB" means a part of the public sewage system which begins as a service "T" from the sewer main line and ends at the lot line of the property being serviced.

"LESSEE" means one who holds real property through a lease agreement with the owner for a term that exceeds two (2) years.

"LEGAL OBLIGATION" means subdivisions and or developments as identified in Table 3.0-1 in (Pages 14 & 15) of the Long Term Compliance Work plan submitted to the Department on January 2, 1996. Table 3.0-1 is attached as Exhibit A.

"MASTER PLUMBER" means a person who is a holder of a master plumber license issued pursuant to Section 37-69-305, MCA.

"MAY" is permissive (see "shall").

"MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES) PERMIT" means a document issued by the State of Montana which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

"NATURAL OUTLET" means any outlet, including foundation drains, storm sewers or storm sewer overflows, into a water course, pond, ditch, lake or other body of surface water or ground water.

"NORMAL DOMESTIC STRENGTH WASTEWATER" means wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 240 mg/l, phosphorus no greater than 10 mg/l and TKN (Total Kjeldahl Nitrogen) no greater than 27 mg/l.

"OPERATION, MAINTENANCE & REPLACEMENT COSTS (OM&R)" shall include all costs associated with the operation and maintenance of the wastewater treatment facilities including administration, and expenditures for obtaining and replacing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facilities to maintain the capacity and performance of the public system. OM&R shall be determined from time to time by the Board.

"OTHER WASTES" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials solid waste, and all other substances that may pollute state waters.

"PARAMETER" means a physical, biological, or chemical property of water as a determinant of the quality of the water.

"PERMIT" means a public system connection permit issued by the District

"PERSON" means the state, a political subdivision of the state, institution, firm, corporations, partnership, individual, lessee, or other entity.

"pH" means the negative logarithm to the base 10 of the hydrogen-ion concentration. The concentration is expressed in moles of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

"PRIVILEGE TO CONNECT" means those subdivisions or developments contained with the legal obligation of the district and meets all of the applicable requirements of this Ordinance.

"POLLUTION" means the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive or other substance into state water that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, or welfare, to livestock, or to wild animals, birds, fish, or other wildlife.

"PUBLIC SYSTEM" means a treatment works controlled by the District including any devices and systems used in the collection, conducting, storage, treatment, disposal of sewage and industrial waste. The systems include sewage systems, pipes and equipment used to convey sewage and treated sewage to and from the wastewater treatment facility.

"PUBLIC SYSTEM USER FEE" means a charge levied on users of the public system for payment of operation, maintenance, replacement costs, and other expenses or obligations of said facilities.

"SEWAGE" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals together with ground water infiltration and surface water present.

"SEWAGE SYSTEM" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate treatment or disposal point.

"SEWER LATERAL" means a public sewage system which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public system generally located at the lot line of the property being serviced.

"SINGLE FAMILY EQUIVALENT (SFE)" means a common characteristic of flow from a 2 bedroom 2 bathroom residential development as an indicator of the quantity and quality of wastewater that is contributed to the public system. A schedule of SFE's is attached as Exhibit B.

"SHALL" is mandatory (see "May").

"SLUG" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and/or adversely affects the sewage system and/or performance of the wastewater treatment facility.

"STANDARD METHODS" means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

"STORM SEWER" means a drain or pipe for conveying water, ground water, subsurface water or unpolluted water from any source.

"SUSPENDED SOLIDS" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

"UNPOLLUTED WATER" is water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the public system.

"WASTEWATER" means the spent water of a community or person, and includes sewage, septage, holding tank waste (including RV holding tank waste) and privy waste. Wastewater includes a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

"WASTEWATER TREATMENT FACILITY" means an arrangement of devices and structures for treating wastewater and sludge, which includes the outfall pipe line and structures. Also referred to as wastewater treatment plant or publicly owned treatment works.

ARTICLE II - USE OF THE PUBLIC SYSTEM

Section 201 DISTRICT BOUNDARIES-SERVICE AREA. The public system may only serve the residential, commercial, and industrial users located within the boundaries of the District as established by the Board pursuant to Title 7, Chapter 13, Parts 22 and 23, MCA.

Section 202 PROHIBITIONS & LIMITATIONS.

- A. Except as provided in this ordinance, a person is prohibited from discharging or causing to be discharged any of the following wastes or substances to the public system:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 2. Any stormwater, rainwater, floodwater or water originating from a sump pump or seepage pit, basement drainage water, or discharge from foundation drains;
 3. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility;
 4. Any substance, which if disposed of in any other method than to the public system, would be classified or defined as a hazardous waste under 40 CFR, Part 261;
 5. Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities;
 6. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the public system or other interference with the proper operation of the wastewater treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage disposals;

- B. Except as provided in this ordinance, a person is prohibited from discharging or causing to be discharged wastes or substances to the public system in amounts that exceed the following limitations:
1. Wastewater having a temperature higher than 180°F (82°C).
 2. Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
 3. Wastewater from industrial plants containing floatable oils, fat or grease.
 4. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and nonconventional pollutants in concentrations exceeding levels specified by federal, state and local authorities.
 5. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District or limits established by any federal or state statute, rule or regulation.
 6. Any water or wastes which, by interaction with other water or wastes in the public system, release obnoxious gases, form suspended solids or create a condition deleterious to structures and treatment processes.
 7. Materials which exert or cause:
 - a) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;
 - b) Unusual volume of flow or concentration of wastes constituting slugs;
 - c) Unusual concentrations of inert suspended solids or of dissolved solids;
 - d) Excessive discoloration;
 8. Any discharge which would cause a violation of any MPDES permit, issued to the District.

Section 203 EXCEPTIONS. Nothing in this Ordinance shall be construed as prohibiting any special agreement between the District and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense by the person; and further provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

Section 204 AUTHORIZATION OF WORK. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public system without first obtaining a permit from the District.

ARTICLE III - CONNECTION PERMITS & FEES

Section 301 LEGAL OBLIGATION AS BASIS FOR ISSUING CONNECTION PERMITS. The District will only issue connection permits for the legal obligations as identified in Table 3.0-1 (pages 14 & 15) of the Long Term Compliance Work Plan submitted to the Department on January 2, 1996 (attached as EXHIBIT A), or as provided in Section 310.

Section 302 ALLOCATION OF CAPACITY. The District will allocate up to eighty percent (80%) of the available capacity of the wastewater treatment facilities for remodeling of existing structures and new connection permits based on the proportionate share of the remaining legal obligations of capacity. The Board will utilize approved facilities plans as a guide to allocate available capacity. If more or less capacity becomes available over time through various means, the allocation of capacity will be prorated up or down according to this distribution.

Section 303 CONNECTION TO THE PUBLIC SYSTEM. The owner or lessee of any residential, commercial, or industrial development that generates wastewater and is located within the District is required to connect to the public system. The connection must be made within 60 days after date of official notice to do so, provided that the public system is accessible and is located within 500 feet of the property line and capacity is available as determined by the Board. The cost of connecting to the public system shall be at the expense of the owner or lessee and shall be done in accordance with the provisions of this Ordinance.

Section 304 CONNECTION PERMIT. No person may connect to the public system without first obtaining a written permit from the District.

Section 305 APPLICATION FOR A CONNECTION PERMIT. Any person who wishes to obtain a connection permit must submit a completed application on a form provided by the District. All permit applications shall be supplemented by the following information:

- A. Buildable blue print plans for review;
- B. Written architectural approval, if the property being developed is subject to an architectural review;
- C. Construction schedule showing the projected start and completion date;
- D. Applicable county and/or state permits for commercial developments;
- E. Payment of all applicable fees and/or assessments; and
- F. Any other plans, specifications, or information considered pertinent by the General Manager.

Section 306 CONNECTION PERMIT APPROVAL. Complete connection permit applications and supplements required under Section 305 must be filed with the General Manager no later than 10 days before the next regularly scheduled Board meeting. The General Manager shall then recommend approval or denial of the application for a connection permit to the Board by the next regularly scheduled meeting. The Board must either approve or deny the application within sixty (60) days. The Board may reject any application for a connection where such connection does not meet the requirements of this Ordinance. If an application is denied, it must be returned to the applicant with the reasons for denial clearly stated.

- A. Conditional Approval. If final architectural committee has not been issued, the connection permit shall be conditional until the applicant obtains final architectural review committee approval and supplies written evidence of such approval to the District prior to start of construction.

Section 307 CONNECTION PERMIT DENIAL. A permit may be denied by the Board for any of one the following reasons:

- A. Applicant's property is not within the District's boundaries;

[illegible]

- B. Applicant's proposal is not a legal obligation;
- C. Public system has reached allowable allocation of capacity as defined in section 302;
- D. Proposed connection fails to comply with local and/or state regulations; or
- E. Federal, state, local, or District action specifically prevents connections to the public system.

Section 308 CONNECTION PERMIT TERM & EXPIRATION. Upon approval by the Board, the connection permit shall be issued for a period of one year. The applicant then has one year from the date of receiving a connection permit to complete construction, connect to the public system, and receive final inspection approval from the District. The applicant may request a permit extension by completing an application form to be provided by the District. An extension will only be granted for good cause shown. If construction has not commenced within one year, the permit shall become null and void.

Section 309 NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT. Any person who owns land within the legal obligation of the District as defined in Article I, may not assign, transfer, or in any other way convey his privilege to capacity and connection into the public system.

Section 310 REALLOCATION OF PRIVILEGE TO CONNECT. Any person who owns land within the legal obligation of the District as defined in Article I, may reallocate the privilege to connect into the public system to another subdivision or development within the District, that said person owns, only under the following conditions:

- A. Person completes an application form provided by the District;
- B. Person relinquishes capacity from the subdivision or development within the legal obligation;
- C. Person has sanitary restrictions reimposed by the Department or local government on the subdivision or development within the legal obligation;
- D. Person shows the District its preliminary plans for the subdivision or development that will utilize the reallocated capacity from the subdivision or development originally within the legal obligation; and
- E. Person receives the necessary Department or local government approval for his new subdivision or development.

The District will not issue a connection permit to any person under this section until that person demonstrates sufficient written evidence that the sanitary restrictions have been reimposed on the subdivision or development originally included within the District's legal obligation. The District will reallocate capacity for the privilege to connect on a one-to-one basis as determined by its legal obligation.

Section 311 CONNECTION PERMIT FEES. A connection permit fee for a residential or commercial building shall be paid to the District at the time the application is filed. The fee for a connection permit may be amended from time to time by the Board. The connection permit fee shall be as follows:

Type of Development	Connection Permit Fee
Single Family Residential	\$ 750.00
Duplex to Fourplex Units	\$ 1,000.00

<u>Type of Development</u>	<u>Connection Permit Fee</u>
Commercial Units to 10,000 sq. ft. and Condo Units greater than 4 but less than 10	\$ 1,250.00
Commercial Units greater than 10,000 sq. ft. and Condo Units greater than 10	\$ 1,500.00

- A. Reimbursement of Connection/Inspection Fee. If a connection permit is denied, any remaining fees not spent on application and plan review shall be returned to the applicant.

Section 312 CONNECTION IMPACT FEES. All residential and commercial buildings connecting to the public system are subject to an impact fee in the amount of four thousand dollars (\$4,000) per SFE. All impact fees collected shall be reserved in a segregated account for future investments into capital improvements for the public system. The connection impact fee may be amended from time to time by the Board.

- A. Connection Impact Fee Exemptions. All owners of new connections who, according to District accounting records have been billed and have been paying for a one-half (½) of an SFE, for quarterly public system user fee billings, are exempt from the impact fee.
- B. Other Exemptions. Properties previously exempted from impact fees by agreement and/or court order including Westfork Meadows and Westland's properties.

Section 313 COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the sewer lateral shall be paid by the owner, or the person making the connection. That person shall indemnify the District from any loss or damage that may directly or indirectly be caused by the installation of the sewer lateral. Such person shall be responsible for the cost of the sewer lateral from the building drain to the lateral stub at the property line. If no lateral has been stubbed to the lot line, then the District is responsible for the cost of the lateral stub from the sewer main to the property line.

ARTICLE IV - INDIVIDUAL WASTEWATER TREATMENT SYSTEMS

Section 401 INDIVIDUAL WASTEWATER TREATMENT SYSTEMS.

- A. Prohibition on Construction. A person shall not construct or maintain any individual wastewater treatment system within the boundaries of the District if the property is included as a legal obligation after the date of enactment of this Ordinance, except as provided for in Section 401(B).
- B. Exceptions. A person may install a individual wastewater treatment system if a sewer main for the public system passes more than 500 feet from the person's property line, and provided that it is installed pursuant to this section and must comply with all applicable county and state regulations.
- C. Connection Requirement. Any person with an individual wastewater treatment system must connect to the public system within 180 days after a sewer main for the public system is constructed within 500 feet of the person's property line and capacity is available, as determined by the Board.
- D. Variance for Hardship. A person may obtain a variance from the prohibition against the construction of an individual wastewater treatment system as described in this Article by submitting an application to the General Manager, on a form provided by the District, requesting a variance showing that compliance with that provision will impose a hardship. The applicant must show that:

1. The first part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

2. The second part of the document is a table with three columns. The first column is labeled 'Name', the second column is labeled 'Date', and the third column is labeled 'Status'. The table contains three rows of data. The first row is for John Doe, the second row is for Jane Smith, and the third row is for Bob Johnson. The dates are 1/1/2020, 2/1/2020, and 3/1/2020. The status is 'Active' for all three rows.

Name	Date	Status
John Doe	1/1/2020	Active
Jane Smith	2/1/2020	Active
Bob Johnson	3/1/2020	Active

1. The hardship is unique and peculiar to the applicant's land and is different from any hardship that the ordinance may impose on all properties in the district;
2. The hardship is caused by conditions beyond the applicant's control;
3. The failure to grant the variance will result in a loss to the applicant of virtually all value for any of the uses to which the property could reasonably be put, and
4. The granting of the variance will not violate the spirit of this ordinance and will not jeopardize the goals of water quality protection embodied in the ordinance.

Economic hardship, as characterized by a decrease in property value or other financial loss, will not, of itself, constitute hardship for the purpose of securing a variance under this section;

- E. Variance Procedure. The General Manager must present the variance request and his recommendation to the Board at its next regularly scheduled meeting after receiving a complete application for variance. The Board must either approve or deny the variance application within sixty (60) days of receiving the recommendation of the General Manager.

Section 402 INSTALLATIONS. The type, capacities, location, and layout of a individual wastewater treatment system shall comply with all requirements of the Department and all applicable plumbing code regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet. No statement contained in this section shall be construed to interfere with any requirement that may be imposed by State or County government.

Section 403 OPERATION & MAINTENANCE. The owner shall operate and maintain the individual wastewater treatment system in a sanitary manner at all times, at no expense to the District. All pumping and cleaning of individual systems must be performed by licensed operators.

ARTICLE V - PUBLIC SYSTEM USER FEES

Section 501 POLICY. It is the policy of the District to obtain sufficient revenues to pay all costs of the operation, maintenance, and replacement (OM&R) of the public system through a system of user fees as defined in this Article. The method shall assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of facilities.

Section 502 USER FEE METHOD. The following method shall be used to calculate the OM&R charges for the treatment of all wastewater:

- A. All OM&R charges for the wastewater treatment shall be segregated into the following cost categories:

$OM\&R_{FIX}$ = Total annual cost for the OM&R required for treatment of the fixed component of wastewater.

$OM\&R_F$ = Total annual cost for the OM&R required for treatment of the Flow component of wastewater.

$OM\&R_D$ = Total annual cost for the OM&R required for the Disposal component of wastewater.

$OM\&R_{BOD}$ = Total annual cost for the OM&R required for the treatment of the Biological Oxygen Demand (BOD) component of wastewater.

OM&R_{SS} = Total annual cost for the OM&R required for the treatment of Suspended Solids (SS) component of wastewater.

OM&R_T = Total annual cost for the OM&R required for the wastewater treatment facilities.

All costs for OM&R shall be paid on a unit cost per 1,000 gallons of flow for OM&R_F and OM&R_D, on a unit cost per pound of BOD for OM&R_{BOD} and on a unit cost per pound of SS for OM&R_{SS}. The OM&R_{FIX} costs shall be paid on a unit cost per user basis. All unit costs shall be determined annually on the following basis:

$$\begin{aligned}\text{Unit Cost for Fixed Cost} &= \frac{\text{OM\&R}_{\text{FIX}}}{\text{Total Number of SFE's}} \\ \text{Unit Cost for Flow} &= \frac{\text{OM\&R}_{\text{F}}}{\text{Total Annual Billable Flow}} \\ \text{Unit Cost for Disposal} &= \frac{\text{OM\&R}_{\text{D}}}{\text{Total Annual Disposed Flow}} \\ \text{Unit Cost for BOD} &= \frac{\text{OM\&R}_{\text{BOD}}}{\text{Total Annual BOD Loading}} \\ \text{Unit Cost for SS} &= \frac{\text{OM\&R}_{\text{SS}}}{\text{Total Annual SS Loading}}\end{aligned}$$

B. Allocation Of Costs To Public System Users

1. Public System Users. The variable costs for OM&R for wastewater treatment generated from the public system shall be based on the total wastewater flow, and normal domestic strength parameters for BOD and SS, using the unit costs for flow, BOD and SS. The fixed and variable costs for the public system OM&R shall be determined annually by the District and allocated uniformly to all residential and commercial users of the sewer system on the basis of SFE's.
2. Surcharges. All users shall pay a surcharge on wastewater exceeding normal domestic strength wastewater concentrations. Normal domestic strength wastewater is defined as follows:

<u>Waste Category</u>	<u>Concentration, mg/l</u>	
	<u>BOD</u>	<u>SS</u>
Sewage	200	240
Holding Tank Waste	400	480
Septic Tank Waste	6,500	13,000

Surcharge rates shall be charged at the same unit costs per pound computed for normal strength wastewater. The concentration of wastewater used for computing surcharges shall be established by wastewater sampling. Such sampling shall be done as often as necessary by the District and shall be binding as a basis for surcharge.

Section 503 REPLACEMENT FUND. It is the policy of the District to calculate, collect and reserve an annual replacement fund as twenty five percent (25%) of the total sewer operations budget. Replacement funds collected shall be accounted for as required in 7-13-2301, MCA.

Section 504 USER FEE RESOLUTION. The fee for users of the public system shall be reviewed at least annually and set by resolution of the Board following a proper notice and a public hearing if fees increase.

100-100000

100-100000
100-100000
100-100000
100-100000

100-100000
100-100000
100-100000

100-100000
100-100000

100-100000
100-100000

100-100000
100-100000
100-100000
100-100000
100-100000

100-100000

100-100000

100-100000

100-100000
100-100000
100-100000

100-100000
100-100000

100-100000

- Section 505 CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the District's wastewater treatment facility shall pay for such increased costs, as determined by the District.
- Section 506 BILLING PRACTICE, COLLECTION & PENALTIES. Public system user fees shall be billed to the owner or occupant of the property served on a quarterly basis on the last day of each calendar quarter.
- Section 507 PAYMENT OF USER FEES. User fees are due and payable twenty (20) days after the billing date.
- Section 508 LATE PENALTY. The District shall apply the maximum allowable late payment penalty per month and shall be applied to all bills for public system services that, according to District records are unpaid after the last day of each calendar quarter.
- Section 509 LIENS. Delinquent public system user fees under this Ordinance shall be a lien upon the property served by the public system. Liens shall be executed pursuant to Montana law, 7-13-2301, MCA.

ARTICLE VI - SEWER CONSTRUCTION & LATERAL CONNECTIONS

- Section 601 CONNECTION INSPECTIONS. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sewage system or appurtenances without first obtaining a permit from the District. The person or person's agent making a connection to the public system shall have the site prepared safe for inspection and must give the District at least two (2) business days advance notice when the sewer lateral is ready for inspection and connection to the public sewer. The connection shall be inspected, tested, and approved by a person authorized by the District prior to backfilling. Such connections may be made only by a qualified contractor.
- Section 602 USE OF OLD SEWER LATERALS. Old sewer laterals may be used in connection with new buildings only when approved by the District after examination.
- Section 603 MATERIALS & METHODS OF CONSTRUCTION. All sewer laterals shall be constructed and laid in accordance with the Montana Public Works Standard Specifications, or other applicable rules and regulations of the District. In the absence of code provisions, the materials and procedures set forth in applicable sections of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- Section 604 SEWER LATERAL GRADE. Whenever possible, the sewer lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public system, sewage shall be lifted by a District approved method and discharged to the sewer lateral. All costs shall be paid by the owner.
- Section 605 STORM & GROUND WATER DRAINS. No person shall connect roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or ground water to a sewer lateral. A building drain shall be approved by the District and the Department before it is connected directly or indirectly to the public system. All existing downspout or ground water drains connected directly or indirectly to the public system shall be disconnected at the owners expense within sixty (60) days of written notice from the District.
- Section 606 SEPARATE CONNECTIONS. A separate and independent sewer lateral shall be provided for every building. Multiple connections to a sewer lateral shall be approved by the District prior to installation.
- Section 607 GARBAGE DISPOSALS. Garbage grinders and garbage disposals shall be connected to the public system from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

Section 608 BARRICADES & RESTORATION. All excavations for the sewer lateral installation shall be adequately guarded with barricades and lights to as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

ARTICLE VII - WATER CONSERVATION

Section 701 WATER CONSERVATION. Water conserving plumbing fixtures shall be required in all new construction and remodeling. The plumbing fixtures must meet the following minimum specifications:

Gravity tank-type toilets	1.6 gpf
Gravity tank-type 2-piece toilet which bears the label "commercial use only"	3.5 gpf
Flush-o-meter tank toilets	1.6 gpf
Electro-mechanical hydraulic toilets	1.6 gpf
Blowout toilets	3.5 gpf
Urinal	1.0 gpf
Low flow showerheads	2.5 gpm
Lavatory faucets	2.5 gpm
Lavatory replacement aerators	2.5 gpm
Kitchen faucets	2.5 gpm
Kitchen replacement aerators	2.5 gpm
Metering faucets	0.25 gpm

ARTICLE VIII - SEWER EXTENSIONS

Section 801 SEWER EXTENSIONS. A person may not commence sewer extension work without prior approval of the Board. A person shall make an application for a sewer extension on a form provided by the District. The application shall be supplemented with the following:

- A. Sewer construction plans and specifications which have been designed by a professional engineer in the State of Montana;
- B. Construction schedule and estimated cost of construction; and
- C. Evidence that the Department has approved the plans and specifications.

Section 802 SEWER EXTENSION APPROVAL. A person must submit a completed sewer extension application to the Board no later than 10 days before the next regularly scheduled Board meeting. The Board must either approve or deny the application within sixty (60) days. The Board may reject any application for an extension where such extension does not meet the requirements of this Ordinance. If an application is denied, it must be returned to the applicant with the reasons for denial clearly stated.

Section 803 MATERIALS & METHODS OF CONSTRUCTION. All sewer extensions shall be constructed in accordance with the Montana Public Works Standard Specifications, or other applicable rules and regulations of the District. In the absence of code provisions, the materials and procedures set forth in the applicable sections of the ASTM and WPCF Manual of Practice No. 9 shall apply. All engineering and sewer extension costs shall be paid by the developer. If the contractor finds deficiencies in the public system during the course of constructions, he shall notify the District of the problem. The District may pay costs to correct the problem. Before works commences, the District requires the following:

- A. The developer must post a performance bond in the amount of 10% of the estimated construction cost for a period sufficient to cover the warrantee period described in Section 806. The District will hold the performance bond for two (2) years after final inspection and the date of extension approval; and

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

2. The second part of the document is a list of names and their corresponding phone numbers. The names are listed in the first column, and the phone numbers are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The phone numbers are: 123-456-7890, 987-654-3210, and 555-123-4567.

3. The third part of the document is a list of names and their corresponding email addresses. The names are listed in the first column, and the email addresses are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The email addresses are: john.doe@example.com, jane.smith@example.com, and bob.johnson@example.com.

4. The fourth part of the document is a list of names and their corresponding social media handles. The names are listed in the first column, and the social media handles are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The social media handles are: @johndoe, @janesmith, and @bobjohnson.

5. The fifth part of the document is a list of names and their corresponding websites. The names are listed in the first column, and the websites are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The websites are: john.doe.com, jane.smith.com, and bob.johnson.com.

6. The sixth part of the document is a list of names and their corresponding professions. The names are listed in the first column, and the professions are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The professions are: Doctor, Teacher, and Engineer.

7. The seventh part of the document is a list of names and their corresponding hobbies. The names are listed in the first column, and the hobbies are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The hobbies are: Reading, Gardening, and Traveling.

8. The eighth part of the document is a list of names and their corresponding favorite foods. The names are listed in the first column, and the favorite foods are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The favorite foods are: Pizza, Pasta, and Sushi.

9. The ninth part of the document is a list of names and their corresponding favorite movies. The names are listed in the first column, and the favorite movies are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The favorite movies are: The Godfather, The Shawshank Redemption, and The Matrix.

10. The tenth part of the document is a list of names and their corresponding favorite books. The names are listed in the first column, and the favorite books are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The favorite books are: The Hobbit, The Lord of the Rings, and The Harry Potter series.

- B. A pre-construction meeting with the developer, design engineer, and contractor before any work commences.

Section 804 **PLAN MODIFICATIONS.** Substantive modifications to sewer extension plans must be approved by the Department before construction commences. In addition, the developer must submit the design modifications to the District at the same time that plans are submitted to the Department for review at least thirty (30) days prior to construction.

Section 805 **ACCEPTANCE & TRANSFER OF OWNERSHIP.** Upon completion of the sewer extension, the District will accept the extension and allow connection to the public system if it meets the requirements of this Article. Final acceptance by the District shall be contingent on the following:

- A. Providing an unobstructed 30 foot wide permanent easement to the District over the improvements for access, maintenance and repair. All applicable easements must be recorded at the Madison or Gallatin County Clerk and Recorder's office at the developer's expense.
- B. Transferring ownership of all sewer extension improvements to the District upon final inspection and acceptance by the District.
- C. TV inspecting all sewer mains according to section 02722.3.3.5 Montana Public Works Standard Specifications. A copy of all videotapes shall be furnished to the District. The District shall review the videotapes before final acceptance of the system.
- D. One complete set of an as-built mylar showing all lateral stub locations, two sets of blue line as-built plans, sewer plans on computer diskette in a format that is compatible with Autocad version 12 (if computer designed), and all O&M manuals.

Section 806 **WARRANTY PERIOD.** If within two (2) years of the date acceptance any work is found to be defective, the developer shall promptly, without cost to the District, be responsible for correcting the problem. If the developer fails to correct the problem, the District must notify the developer within 14 days, and if the problem is not corrected within 60 days from the date of notice the District shall correct the problem through the performance bond posted in accordance with Section 703.

ARTICLE IX- INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM

Section 901 **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged or are proposed to be discharged to the public system, which waters or wastes contain substances or possess the characteristics enumerated in Article II, and which in the judgment of the District have a deleterious effect upon the wastewater treatment facilities or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the District may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public system;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Ordinance.

Section 902 **DILUTION PROHIBITION.** No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement.

Section 903 **SPILL PREVENTION AND SLUG CONTROL PLANS.**

- A. The District shall evaluate each industrial user at its discretion, to determine whether such user needs a plan to control slug discharges. If the District determines that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under Section 202, with procedures for follow-up written notification within five days;
3. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 904 NOTIFICATION.

- A. In the case of any discharge in violation of this Ordinance, including any slug discharges the industrial user shall immediately notify the District. The notification shall include:
1. Date, time, location and duration of the discharge;
 2. Type of waste including concentration and volume; and
 3. Any corrective actions taken by the user.
- B. Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- C. Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge.

Section 905 MONITORING OF INDUSTRIAL DISCHARGES. The District may require monitoring and reporting of any industrial discharger in the District believes that the discharge has harmed or has the potential forming the public system.

Section 906 PRETREATMENT. Industrial dischargers may be required to pretreat such wastes, if the District determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the public system.

Section 907 GREASE, OIL & SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided in accordance with local and state plumbing code requirements and when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Ordinance, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain accurate records of the dates, type of material, means of disposal, and location of disposal. Such records shall be readily available for review by the District.

Section 908 DISTRICT APPROVAL. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review

1. The first part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

2. The second part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

3. The third part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

4. The fourth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

5. The fifth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

6. The sixth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

7. The seventh part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

8. The eighth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

9. The ninth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

10. The tenth part of the document is a list of names and their corresponding dates. The names are listed in a column on the left, and the dates are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1/1/2020, 2/1/2020, and 3/1/2020.

and approval of the District prior to the start of their construction if the effluent from such facilities is to be discharged into the public system. No construction of such facilities shall commence until said approval has been granted.

ARTICLE X - ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION

Section 1001 RIGHT OF ENTRY. The General Manager or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all properties connected to the public system and easements for the purpose of inspecting, observing, testing, or auditing for the purpose of billing all in accordance with the provisions of this Ordinance. The General Manager or other duly authorized employees are authorized to obtain information concerning processes which have been determined to have a direct bearing on the kind and source of discharge to the public system.

Section 1002 HOLD HARMLESS. The owner or the occupant shall be held harmless for injury or death of District employees, and the District shall indemnify the owner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the owner growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

ARTICLE XI - VIOLATIONS & PENALTIES

Section 1101 ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the public system which causes damage to the wastewater treatment facility shall be subject to Section 1105.

Section 1102 LIABILITY TO DISTRICT FOR LOSSES. Any person violating any provision of this Ordinance shall, in addition to any penalty or fine which may be assessed against him, become liable to the District for any expense, loss or damage occasioned by reason of such violation which the District may suffer as a result thereof.

Section 1103 VANDALISM. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the public system.

Section 1104 INJUNCTION. The district may seek an injunction against any person violating any provision of this Ordinance.

Section 1105 FINES & PENALTIES FOR VIOLATION. The district may seek a FINE NOT TO EXCEED five hundred dollars (\$500) or six months imprisonment, or both, against any person violating any provision of this Ordinance.

- A. The District may seek a penalty not to exceed \$1,000 per day for each violation, or six months imprisonment or both for the violation of any provision of this Ordinance relating to local or federal wastewater pretreatment standards implemented in the Federal Water Pollution Control Act, 33 USC1251 through 1387.

ARTICLE XII - APPEALS

Section 1201 REQUEST FOR APPEAL. If the Board denies a connection permit application, the applicant may file a written request for reconsideration with the District within thirty (30) days after having been informed of the Board's decision to deny. The written request for appeal must include the reasons supporting the applicants request for reconsideration. The applicant may request to appear before the Board. The Board shall issue its final decision within sixty (60) days after receiving the request for reconsideration.

ARTICLE XIII - VALIDITY

Section 1301 SUPERSEDING PREVIOUS ORDINANCES. This Ordinance governing sewer use, industrial wastewater discharges, public system user charges, and sewer connections and construction shall supersede all previous ordinances of the District.

Section 1302 INVALIDATION CLAUSE. Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

Section 1303 AMENDMENT. The District, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

ARTICLE XIV - EFFECTIVE DATE

Section 1401 DATE OF EFFECT. This Ordinance shall take effect and be in force from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana on the 16th day of July, 1996, by the following vote:

Ayes: 7 : namely- Bill Ogle, Harry Meabon, William Neece, Wendell Ingraham, Stewart Peacock, Skip Radick, Dee Rothschiller ;

Nays: 0 : namely

Approved this 16th day of July, 1996


William A. Ogle, President

Attest: 
William F. Neece, Secretary

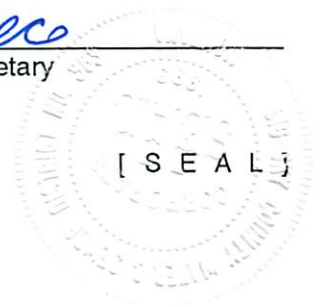




EXHIBIT A

TABLE 3.0-1 LONG TERM COMPLIANCE WORK PLAN

Table 3.0-1 Number of Sewer Connection Commitments in the Planning Area

As Approved: 7/16/96

PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC.
	TOTAL	SFE	TOTAL	SFE	(SFE)
I. MEADOW VILLAGE AREA					
A. Homes (Lots)					
Meadow Village	249	412.8	119	197.3	
Sweetgrass Hills	90	165.0	34	62.4	
Pinewood Hills	5	9.4	5	9.4	
South Fork Phase I	25	42.5	0	0.0	
B. Condominiums (Units)					
Silverbow (TR 1 &1A)	70	84.0	70	84.0	6.3
Yellowstone (TR 3 BLK 1)	42	48.6	42	48.6	6.3
Glacier (TR 7 BLK 2)	64	77.0	64	77.0	6.3
Broadwater (TR 9 BLK 5)	16	16.0	16	16.0	
Teton (TR 4 BLK 1)	40	69.3	3	5.2	
Park (TR 2 BLK 1)	29	38.9	29	38.9	3.7
Tract 5 BLK 2 ¹	22	29.0	0	0.0	
Tract 6 BLK 2 ¹	50	65.9	0	0.0	
Tract 8 BLK 6 ¹	64	84.3	0	0.0	
Tract 11 BLK 4 ¹	60	79.0	0	0.0	
Hidden Village ²	184	314.0	142	242.0	4.7
Blue Grouse Phase I & II ³	147	196.2	8	10.8	
Sweetgrass Tract 2	113	149.5	0	0.0	
C. Hotels and Motels					
Golden Eagle (rooms)	42	28.0	42	28.0	
Westfork Hotel (River Rock)	29	19.3	29	19.3	
Lone Mountain Ranch	--	39.2	--	39.2	
D. Commercial					
Meadow Village Minor #91 & COS 409	--	108.2		30.2	
Golf Course	--	5.4		5.4	
Tennis Courts (TR A-1)	--	34.2		1.0	
Minor Sub-Camper Village	--	4.7		4.7	
SUBTOTAL FOR MEADOW VILLAGE AREA	1,341.00	2,120.4	603.0	919.4	27.3
IA. COMMITMENTS BY AGREEMENT/COURT ORDER					
A. Westfork Meadows	--	448.0	--	157.6	--
B. Westland Projected Commitment	--	1434.9	--	0	--
SUBTOTAL FOR PRIOR COMMITMENTS	-	1,882.9	-	157.6	-
IB. PENDING DEVELOPMENTS W/ PRIOR COMMITMENT FOR SERVICE					
A. Aspen Groves	89	142.4	--	--	--
B. South Fork- Phase II	97	155.0	--	--	--
SUBTOTAL FOR PENDING DEVELOPMENTS	186.0	297.4	-	-	-
MEADOW VILLAGE AREA SUBTOTAL	1,527.0	4,300.7	603.0	1,077.0	27.3

Table 3.0-1 Number of Sewer Connection Commitments in the Planning Area

PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC. (SFE)
	TOTAL	SFE	TOTAL	SFE	
II. MOUNTAIN VILLAGE AREA					
A. Homes (Lots) Cascade	362	757.1	23	48.1	
B. Condominiums (Units) ¹					
Hill-Cascade	180	180.0	180	136.8	
Skycrest-Cascade	335	475.7	35	49.7	
Tract 1-Cascade ¹	7	72.1	0	0	
Tract 2-Cascade ¹	110	113.3	0	0	
Tract 4-Cascade ¹	36	37.1	0	0	
Tract 5-Cascade ¹	338	348.1	0	0	
Stillwater	63	63.0	63	59.9	
Beaverhead	68	73.4	12	13.0	
Lake	135	156.5	29	33.6	
Arrowhead	25	61.3	25	61.3	
Bighorn	70	72.0	31	31.9	
Shoshone	94	94.0	94	94.0	
C. Hotels and Motels					
Huntley Lodge	204	125.9	204	125.9	
Mountain Lodge (Cascade)	84	51.8	84	51.8	
D. Employee Housing					
Dorm Space (156 beds)	85	39.0	85	39.0	
Married Housing	4	4.0	4	4.0	
E. Commercial Estimated	--	170	--	85.9	
MOUNTAIN VILLAGE AREA SUBTOTAL	2,200.0	2,894.3	869.0	834.9	-
SUMMARY TOTALS FOR ALL DEVELOPMENTS					
MEADOW VILLAGE AREA					
MEADOW VILLAGE	1,341.0	2,120.4	603.0	919.4	
CONDO ASSOCIATIONS		-		27.3	
COURT ORDER/AGREEMENT COMMITMENT	-	1,882.9	-	157.6	
PENDING W/ PRIOR COMMITMENT	186.0	297.4	-	-	
TOTAL	1,527.0	4,300.7	603.0	1,104.3	-
MOUNTAIN VILLAGE AREA					
TOTAL	2,200.0	2,894.3	869.0	834.9	-
GRAND TOTAL OF LEGAL OBLIGATIONS	3,727.0	7,195.0	1,472.0	1,939.2	-

FOOT NOTES:

- 1 Condominiums are estimated at 12 units per acre on undeveloped tracts.
- 2 Hidden Village- added 72 SFE's assuming 40 condo units at 1.8 SFE's per unit (refer to minutes of August 7, 1996)
- 3 Blue Grouse Hills Phase I & II- added 27 units at 1.4 SFE's per unit= 37.8 SFE's, total 196.2 SFE's (refer to minutes of August 7, 1996).
- 4 Meadow Village Minor #91 includes the Meadow Village Commercial Center (13.8 SFE's); COS 409 includes Chase Montana Building (16.4 SFE's) added an undivided 78 SFE's (refer to minutes of August 7, 1996).
- 5 Tennis Courts (Tract A-1)- adjusted to 34.2 SFE's conditioned on use maintained as business/recreational (refer to minutes of August 7, 1996).
- 6 Westfork Meadows- adjusted to 448.0 SFE's, but conditioned on a flow commitment of 48,000 gpd peak flow per Sewer Dedication dated May 17, 1982 (refer to minutes of August 7, 1996).
- 7 Westlands flow commitment based on Supreme Court decision (Westland v. Boyne, April 27, 1989)- 43,000,000 gallons per year divided by a flow of 29,967 gallons per year per SFE.
- 8 South Fork Phase II- added to list of obligations for 155 SFE's for remainder of development in the NE ¼ of Section 2, assumes 1.7 SFE's per unit for Phase I & II.

[illegible]

EXHIBIT B

RECOMMENDED SINGLE FAMILY EQUIVALENT UNIT CONVERSION SCHEDULE	
PROPERTY USEAGE ¹	SFEs PER UNIT ³
Single Family Residences, Townhouses and Condominiums: ^{2,3}	
Two bedrooms or less	1.00
Each bedroom in excess of two	0.40
Each bath, or portion thereof, in excess of two	0.20
Private jacuzzi or hot tub, each	0.35
Studio Apartment/Condominiums: (single room less than 500 sq. ft. with single bathroom)	0.70
Hotel, Motel or Lodge, per rental room ²	0.60
Jacuzzi, spa or hot tub, each	0.75
Swimming pool	2.00
Banquet rooms, per seat	0.03
Conference rooms, per seat	0.02
Employee Housing:	
Condominium Type, per unit	1.00
Dormitory Type, per bed	0.25
Snack Bars and Delicatessens: ⁴	
500 sq. ft. or less	1.00
Each sq. ft. in excess of 500 sq. ft.	0.003
Convenience Type Food Stores and Shoppers	1.00
Cafeteria, Lounges and Bars, per seat	0.07
Full Service Restaurants, per seat	0.07
Self-Service laundromat, per washing machine	1.30
Beauty Salon, Barber Shops, Hairdresser, per station	0.35
Fire Stations, Maint. Bldgs, Machine Shops, Warehouses and Garages, per 1,000 sq. ft.	0.15
Offices and Office Buildings, per 1,000 sq. ft.	0.75
Retail Stores, per 1,000 sq. ft.	0.50
Ski Areas, sum of SFE Units from other applicable use categories plus 85% of total hourly lift capacity times	0.001
Public Restrooms, per toilet unit	0.50
Non-Public Restrooms, per toilet unit	0.20
Health Spas/Fitness Centers, per 1,000 sq. ft.	1.50
Residential Swimming Pools w/controlled sewer connection, per 1,000 sq. ft. of pool area	
Single Family	1.00
Multi-Family	3.00

FOOTNOTES TO SCHEDULE:

- 1 If more than one use category is applicable to a particular building, the building will be divided into areas of similar use categories and the SFE Units for the building will be computed by adding the SFE units determinations for each use category area. For example, if a portion of a single family home is used as an office, the single family home will be divided into a "single family residence" area and an "office" area and the SFE units for the entire building will be the sum of the SFE units determined separately for the uses not specifically described in this table, such as condominium recreational facilities, pools, dormitory-style quarters, etc., the number of SFE units to be assigned shall be determined on a case-by-case basis by the Manager. No less than 1.0 SFE unit will be assigned any building or portion thereof that has a separate service line and/or that is to be billed individually for sewer service.
- 2 For the purpose of SFE unit determinations, a "loft" area shall be equivalent to a minimum of one bedroom. More than 1.0 SFE unit may be assigned if warranted by the size and characteristics of the loft area. For the purpose of SFE unit determination, an area designated as a "den", "library", "study", "sewing room", or the like, shall be equivalent to a minimum of one bedroom if such area has an accompanying closet.
- 3 For the purpose of the table: (a) a residential building or portion thereof shall be considered a duplex if it has more than one kitchen area, and (b) any portion of a residential building or unit that can be used independently of the remainder of the residential building or unit (e.g. lock-off unit shall be considered a separate residential building or unit).
- 4 In computing area, the "total usable area" shall be used. "Total usable area" includes but is not limited to: kitchen areas, serving areas, washing areas, occupant areas, waiting rooms, store rooms, restrooms, lunch rooms, halls, entryways, show rooms, and retail areas.