

**ORDINANCE NO. 97-1001**

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

**WASTEWATER USE ORDINANCE**

Originally Approved July 15, 1997  
Amended: January 19, 1999  
Amended: July 20, 1999

ORDINANCE NO. 97-1001

WASTEWATER USE ORDINANCE

TABLE OF CONTENTS

---

<b>ARTICLE I - DEFINITIONS</b>	(1)
Section 101    DEFINITIONS	(1)
<b>ARTICLE II - USE OF THE PUBLIC SEWER SYSTEM</b>	(5)
Section 201    DISTRICT BOUNDARIES-SERVICE AREA	(5)
Section 202    PROHIBITIONS & LIMITATIONS	(5)
Section 203    EXCEPTIONS	(7)
Section 204    AUTHORIZATION OF WORK	(7)
<b>ARTICLE III - CONNECTION PERMITTING AND REALLOCATION PROCEDURE</b>	(7)
Section 301    LEGAL OBLIGATION AS BASIS FOR ISSUING CONNECTION PERMITS	(7)
Section 302    ALLOCATION OF CAPACITY	(7)
Section 303    CONNECTION TO THE PUBLIC SYSTEM	(7)
Section 304    CONNECTION PERMIT	(7)
Section 305    APPLICATION FOR A CONNECTION PERMIT (NEW CONSTRUCTION)	(7)
Section 306    APPLICATION FOR A CONNECTION PERMIT (REMODELING)	(8)
Section 307    APPLICATION FOR A CONNECTION PERMIT (CHANGE OF USE)	(8)
Section 308    CONNECTION PERMIT APPROVAL	(8)
Section 309    CONNECTION PERMIT DENIAL	(9)
Section 310    CONNECTION PERMIT TERM & EXPIRATION	(9)
Section 310    NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT	(10)
Section 311    REALLOCATION OF PRIVILEGE TO CONNECT	(10)
Section 312    COST OF SEWER CONNECTION	(11)
<b>ARTICLE IV - INDIVIDUAL WASTEWATER TREATMENT SYSTEMS</b>	(11)
Section 401    INDIVIDUAL WASTEWATER TREATMENT SYSTEMS	(11)
Section 402    INSTALLATIONS	(12)
Section 403    OPERATION & MAINTENANCE	(12)
<b>ARTICLE V - PUBLIC SYSTEM RATE, FEE AND CHARGE METHODS</b>	(12)
Section 501    POLICY	(12)
Section 502    USER FEE METHOD	(13)
Section 503    ESTABLISHING RATES, FEES AND CHARGES	(14)
Section 504    CHARGE FOR INDUSTRIAL POLLUTANTS	(14)
Section 505    BILLING PRACTICE, COLLECTION & PENALTIES	(14)
Section 506    PAYMENT OF USER FEES	(14)
Section 507    LATE PENALTY	(14)
Section 508    LIENS	(14)
<b>ARTICLE VI - SEWER CONSTRUCTION &amp; LATERAL CONNECTIONS</b>	(14)
Section 601    CONNECTION INSPECTIONS	(14)
Section 602    USE OF OLD SEWER LATERALS	(14)
Section 603    MATERIALS & METHODS OF CONSTRUCTION	(14)

Section 604	SEWER LATERAL GRADE	(14)
Section 605	SEWER LATERAL RELOCATIONS	(15)
Section 606	STORM & GROUND WATER DRAINS	(15)
Section 607	SEPARATE CONNECTIONS	(15)
Section 608	GARBAGE DISPOSALS	(15)
Section 609	BARRICADES & RESTORATION	(15)
<b>ARTICLE VII - WATER CONSERVATION</b>		<b>(15)</b>
Section 701	WATER CONSERVATION	(15)
<b>ARTICLE VIII - SEWER EXTENSIONS</b>		<b>(15)</b>
Section 801	SEWER EXTENSIONS	(15)
Section 802	MATERIALS & METHODS OF CONSTRUCTION	(16)
Section 803	CONSTRUCTION INSPECTION	(16)
Section 804	PLAN MODIFICATIONS	(16)
Section 805	ACCEPTANCE & TRANSFER OF OWNERSHIP	(17)
Section 805	WARRANTY PERIOD	(17)
<b>ARTICLE IX- INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM</b>		<b>(17)</b>
Section 901	INDUSTRIAL DISCHARGES	(17)
Section 902	DILUTION PROHIBITION	(18)
Section 903	SPILL PREVENTION AND SLUG CONTROL PLANS	(18)
Section 904	NOTIFICATION	(18)
Section 905	MONITORING OF INDUSTRIAL DISCHARGES	(19)
Section 906	PRETREATMENT	(19)
Section 907	GREASE, OIL & SAND INTERCEPTORS	(19)
Section 908	DISTRICT APPROVAL	(19)
<b>ARTICLE X - ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION</b>		<b>(19)</b>
Section 1001	RIGHT OF ENTRY	(19)
Section 1002	HOLD HARMLESS	(19)
<b>ARTICLE XI - VIOLATIONS &amp; PENALTIES</b>		<b>(20)</b>
Section 1101	ACCIDENTAL DISCHARGE	(20)
Section 1102	LIABILITY TO DISTRICT FOR LOSSES	(20)
Section 1103	VANDALISM	(20)
Section 1104	INJUNCTION	(20)
Section 1105	FINES & PENALTIES FOR VIOLATION	(20)
<b>ARTICLE XII - APPEALS</b>		<b>(20)</b>
Section 1201	REQUEST FOR APPEAL	(20)
<b>ARTICLE XIII - VALIDITY</b>		<b>(20)</b>
Section 1301	SUPERSEDING PREVIOUS ORDINANCES	(20)
Section 1302	INVALIDATION CLAUSE	(21)
Section 1303	AMENDMENT	(21)
<b>ARTICLE XIV - EFFECTIVE DATE</b>		<b>(21)</b>
Section 1401	DATE OF EFFECT	(21)

**ORDINANCE NO. 97-1001**

**WASTEWATER USE ORDINANCE**

**Originally Approved July 15, 1997**

**Amended January 19, 1999; Amended July 20, 1999**

Be it ordained by 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, that it 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:

"BEDROOM" means any room or living space that can be used for the purpose of sleeping that includes a doorway and closet.

"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.

"CHANGE IN USE" means to change the use of any existing structure so as to cause the SFEs to increase or decrease.

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

"INCOMPATIBLE POLLUTANTS" means wastewater containing 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 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 within the District that are recognized by the District as having a privilege to connect to the public system as identified in the Long Term Compliance Work plan and 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 recognized by the District as having a legal obligation for future sewer service and meets all of the applicable requirements of this Ordinance.

"POLLUTION" means the discharge, seepage, drainage, infiltration, inflow, 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, and replacement costs (OM&R), and other expenses or obligations of said facilities.

"REMODEL" means to add on to by means of construction, or reconfigure any existing structure so as to increase or decrease the SFEs of the structure.

"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 inflow (I&I).

"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 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 at the lateral stub, generally located at the lot line of the property being serviced.

"SEWER MAIN" means a sewer collector that is designed to convey sewage from more than one structure and has a diameter that is eight (8) inches or more in diameter.

"SINGLE FAMILY EQUIVALENT (SFE)" means the average characteristics of the single-family in residences within the District's service area. One SFE means a common characteristic of flow from a 2 bedroom, 2 bathroom residence (Refer to the schedule of SFE's attached as Exhibit B). Other characteristics of the SFE are:

- Average occupancy = 2.0 people
- Average daily sewage flow per SFE = 86 gallons per day<sup>1</sup>

"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 public system.

"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 from any source.

"SUBSTANTIAL COMPLETION" weather tight means construction progress which includes a completed foundation, structural framing, exterior wall sheeting and weather tight siding, and the roof sheeting in place.

---

<sup>1</sup> Long Term Compliance Work Plan for Wastewater Treatment and Disposal, September 1998, MSE-HKM, p. 95.

"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.

"UNITS OF GOVERNMENT" means local, county, state or federal governmental entities.

"UNPOLLUTED WATER" is water whose quality is equal to or better than the effluent criteria in effect or water quality 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 and surface 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 SEWER 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, 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, restaurants, or other commercial establishments, containing more than 25 mg/l of 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 PERMITTING AND REALLOCATION PROCEDURE**

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 11-14) of the Long Term Compliance Work Plan submitted to the Department on August 21, 1998 (attached as EXHIBIT A), or as provided in Section 310.

Section 302 ALLOCATION OF CAPACITY. The District, in consultation with engineers will conduct an ongoing monitoring program to estimate the maximum facility treatment capacity (maximum capacity) for the public system. Based upon the maximum capacity, the Board will determine from time to time a safe operating capacity (operating capacity). The operating capacity of the public system will always be lower than the maximum capacity to provide a margin of safety to insure that public health and the environment are protected. Until the current flows reach the operating capacity as determined by the Board, there will be available capacity for connecting legal obligations to the public system on a first come first served basis. Remodeling of existing structures will also be permitted to connect to the public system if capacity is available.

Section 303 CONNECTION TO THE PUBLIC SYSTEM. The owner or lessee of any residential, commercial, industrial, condominium, recreational, apartment, or other development that generates wastewater and is located within the District is required to connect to the public system. The connection must be made within 180 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, remodel, or change the use so as to increase the number of SFE's in an existing structure without first obtaining a written connection permit from the District that has been approved by the District.

Section 305 APPLICATION FOR A CONNECTION PERMIT (NEW CONSTRUCTION). 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. Estimated construction schedule showing the projected start and completion date;
- D. Applicable permits from units of government including but not limited to state or local building permits; and
- E. Any other plans, specifications, or information considered pertinent by the General Manager.

**Section 306 APPLICATION FOR A CONNECTION PERMIT (REMODELING).** Any person who wishes to remodel an existing structure where the remodeling could result in a change in the SFE allocation must also obtain a connection permit by submitting a completed application on a form provided by the District.

Existing residential, commercial, industrial, condominium, recreational, apartment, or other developments may expand the number of SFE's by remodeling or a change in use by:

- A. Single Family Residential and Condominium Units. May increase SFEs up to 1.0 SFEs.
- B. Commercial and Multi-Family Developments. May increase SFEs up to 5.0 SFEs.

All increases must be approved by the District through its permitting process. Projects proposing to increase the SFEs more than these amounts may be reviewed and approved by the Board on a case by case basis.

**Section 307 APPLICATION FOR A CONNECTION PERMIT (CHANGE OF USE).** Any person who wishes to change the use of an existing structure must also obtain a connection permit by submitting a completed application on a form provided by the District.

**Section 308 CONNECTION PERMIT APPROVAL.** Complete connection permit applications and supplements required under Section 305 must be filed with the General Manager. The General Manager shall then have the authority to approve applications for sewer connections for projects up to five (5.0) SFEs that meet the criteria set forth in this Article. For projects that exceed five (5.0) SFEs, the General Manager shall then recommend approval or denial of the application for a connection permit to the Board at the next regularly scheduled meeting. The Board must either approve or deny the application within sixty (60) days. District consideration of a sewer connection permit application is as follows:

- A. Conditional Approval. If final architectural committee or approval from applicable units of government has not been issued, the connection permit approval shall be

conditional until the applicant obtains final architectural review committee (or applicable unit of government) approval and supplies written evidence of such approval to the District; or

- B. Preliminary Approval. If the application is approved by the Board, or by the General Manager, the General Manager shall notify the owner in writing that the application has been approved and the amount of fees due to the District. Final approval and permit issuance is conditioned on payment of applicable fees by the owner, and where applicable, written evidence that architectural approval has been granted, and a building permit has been obtained from the State of Montana.

The owner shall have sixty days (60) days to pay the applicable fees from the date of written notice for preliminary approval. If the fees are not received within sixty (60) days, the application shall become null and void and the General Manager shall return the application to the owner. If the permit application becomes null and void under this section without just cause demonstrated by the applicant, the permit application may not be re-submitted for at least one hundred and eighty (180) days.

- C. Final Approval and Permit Issuance. If an application has preliminary approval and all applicable fees have been paid in full, and all requirements of this Article have been met by the applicant, the General Manager is authorized to notify the owner in writing of final approval and issue a sewer connection permit prior to the start of construction; or

Section 309 CONNECTION PERMIT DENIAL. The Board, or General Manager may reject any application for a connection permit 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 permit may be denied by the Board, or the General Manager for any of one the following reasons:

- A. Applicant's property is not within the District's boundaries;
- 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 regulations of other units of government; or
- E. Any other information considered pertinent by the Board, or General Manager.

Section 310 CONNECTION PERMIT TERM & EXPIRATION. Upon approval by the Board, or the General Manager, the connection permit shall be issued for a period of one (1) year for residential, small commercial, or small condominium projects (less than or equal to 15.0 SFE's), and two (2) years for larger commercial and condominium projects (greater than 15.0 SFE's). The Board, at its discretion, will consider longer permit terms for very large projects that are clearly shown to take longer than two years to construct. The applicant then has one year for residential or small commercial projects, and two years for large commercial projects from the date of receiving a valid connection permit to connect to the public system, and receive final inspection approval from the District. The applicant may request a permit extension by

providing a written explanation of the reason for delay, projected timeline for the project, and the term of the requested extension to the District. An extension will only be granted for good cause shown. If construction has not commenced within one year from the date of permit issuance, the permit shall become null and void.

The applicant must request an extension in writing explaining why an extension is needed. Once the written request has been received by the District, the Board has 60 days to either approve or deny the written request for good cause shown on a case by case basis. The permit shall remain in effect until the Board makes a decision.

Section 310 NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT. Any person who owns land within the District and is a 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 311 REALLOCATION OF PRIVILEGE TO CONNECT. Any person who owns land within the "legal obligation" of the District as defined in Article I, may apply for a reallocation of SFE's from one subdivision, parcel or tract, to another subdivision, parcel, or tract located within the District; or may request pooling of those SFE's, only under the following conditions and in compliance with the following procedures:

A. Reallocation Conditions and Procedures.

1. Application for Reallocation. A person must complete an application form provided by the District requesting reallocation of SFE's from one subdivision, parcel, or tract, to another subdivision, parcel, or tract, or into an individually-designated pool of SFE's. A completed application must be submitted in addition to the following information:
  - a) A plat or map showing which subdivision, parcel, or tract, from which the SFE's will be reallocated; and
  - b) A plat or map showing which subdivision, parcel, or tract, to which the SFE's will be reallocated; and/or
  - c) A request to reallocate SFE's from one subdivision, parcel, or tract, to an individually-designated pool of SFE's which remain unallocated but available for future allocation by the applicant.
2. Board Action.
  - a) If the General Manager of the District determines from the application that SFE's are available from a particular subdivision, parcel, or tract, for a new proposed subdivision, parcel or tract located within the boundaries of the District, he shall inform the board within 45 days from receipt of the application for reallocation. The Board must approve or deny the request for reallocation within 60 days of being informed by the General Manager of the application.

- b) If the Board denies the application for reallocation, it shall provide a written explanation of its denial to the applicant within 30 days of taking such action.
- c) If the Board approves the application for reallocation, it shall provide a written approval to the applicant within 30 days of taking such action.
- d) The District will not issue a connection permit or consider the reallocation final until one of the following is provided to the District by the applicant:
  - i) Written evidence that the sanitary restrictions have been reimposed on the subdivision, parcel or tract from which the SFE's were reallocated; or
  - ii) Written evidence that a "Declaration of Partial Reallocation" form, provided and signed by the District, has been filed with the Clerk and Recorder of the affected county, showing the parcels or tracts from which SFE's were reallocated, and the number of SFE's remaining in the subdivision, parcel or tract.
- 3. If an application for reallocation of SFE's to an individually-designated pool of SFE's is approved by the Board, the District shall maintain a written cumulative record of the applicant's pooled SFE's available for future reallocation.
- 4. If the Board approves a reallocation from one subdivision, parcel or tract to another subdivision, parcel or tract, or to an individually-designated pool of SFE's, it shall inform DEQ and/or the affected unit of local government in writing, that SFE's or equivalent capacity is available for the applicant's new proposed subdivision or other development.

Section 312 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 stub has been installed to the lot line, then the owner shall be responsible for the entire cost of labor and materials of installing a lateral stub.

#### **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 regulations of units of government.

- 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 a written request to the General Manager requesting a variance showing that compliance with that provision will impose a hardship. The applicant must show that:
  - 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. 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; 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.
- 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, Gallatin and Madison Counties, 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 applicable regulations of other units of 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 RATE, FEE AND CHARGE METHODS**

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 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:

$OM\&R_A$  = Total annual administrative cost to operate the public system.

$OM\&R_{SC}$  = Total annual cost for the OM&R required for the sewer collection portion of the public system.

$OM\&R_{TP}$  = Total annual cost for the OM&R required for the wastewater treatment portion of the public system.

All costs for OM&R shall be paid on a unit cost per user basis. All unit costs shall be determined annually on the following basis:

$$\text{Unit Cost per SFE} = \frac{OM\&R_A + OM\&R_{SC} + OM\&R_{TP}}{\text{Total Number of SFE's in District Billing Database}}$$

- B. Allocation Of Costs To Public System Users

1. Public System Users. The costs for OM&R for the public system shall be based on total wastewater flow, and normal domestic strength parameters for BOD and SS, using the unit cost per SFE. The fixed and variable costs for the public system OM&R shall allocated uniformly to all residential and commercial users of the sewer system on the basis of SFE's.
2. Surcharges for Strength. All users whose wastewater exceeds normal strength wastewater shall pay a surcharge. 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.

3. Surcharges for Flow. Connections to the public system that exceed normal flow shall be charged at a rate equal to 1.5 times the base rate charge per SFE for the amount of flow that is demonstrated to exceed a daily average of 250



gallons per SFE. The surcharge shall be applied for the period of time that flow exceeds a daily average of 250 gallons per SFE.

Section 503 ESTABLISHING RATES, FEES AND CHARGES. All rates, fees and charges for the public system shall be set by the Board by separate Ordinance following a properly noticed public hearing if fees are established or changed. The rates, fees and charges shall be reviewed as part of the annual budget process.

Section 504 CHARGE FOR INDUSTRIAL POLLUTANTS. Any person discharging industrial pollutants which cause an increase in the cost of treating the effluent or sludge from the District's wastewater treatment facility shall pay for such increased costs, as determined by the District.

Section 505 BILLING PRACTICE, COLLECTION & PENALTIES. Public system user fees shall be billed quarterly to the owner or occupant of the property served on the last day of each calendar quarter.

Section 506 PAYMENT OF USER FEES. User fees are due and payable thirty (30) days after the billing date and become delinquent thirty one (31) days after the billing date.

Section 507 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 have not been paid prior to the delinquent date.

Section 508 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 against all accounts that are ninety (90) overdue pursuant to Montana law, 7-13-2301, MCA.

#### **ARTICLE VI - SEWER CONSTRUCTION & LATERAL CONNECTIONS**

Section 601 CONNECTION INSPECTIONS. No person shall uncover, alter, disturb, tamper, or make any connections to the public system without authorization from the District. The person or contractor 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, and/or sewer lateral stub 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. No connection inspections shall be performed on Friday afternoons, weekends, or holidays.

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. Approval shall be in the form of a written letter from the District to the owner or contractor.

Section 603 MATERIALS & METHODS OF CONSTRUCTION. All sewer laterals and sewer lateral stubs 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. Sewer laterals shall be brought to the building at an elevation below the basement floor to provide a gravity flow connection to the sewer main. 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 owner provided and District approved method and discharged to the sewer lateral.

Section 605 SEWER LATERAL RELOCATIONS. If the owner or contractor installs a new sewer lateral stub to accomplish a gravity flow connection or for any other reason, the sewer lateral stub shall be exposed and abandoned if one has been provided to the property. Abandonment shall include cutting and capping the lateral. The abandonment must also be inspected by the District. All costs for sewer lateral abandonment and/or sewer lateral stub relocation shall be paid by the owner.

Section 606 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 the public system. A building drain shall be considered as an exception that must be approved by the District and the Department prior to connection to the public system. All storm and ground water drains as defined in this section that are connected to the public system shall be disconnected at the owners expense within sixty (60) days of written notice from the District.

Section 607 SEPARATE CONNECTIONS A separate and independent sewer lateral shall be installed for every building. The District will review on a case by case basis and may approve a multiple connection to a sewer lateral if it is not feasible to install an additional lateral, installing the lateral is cost prohibitive, or if the owner demonstrates that the lateral is sized large enough to accommodate projected flows from the property being served. In no case shall multiple connections to a sewer lateral be permitted across property lines without the prior written consent of the District.

Section 608 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 609 BARRICADES & RESTORATION. All excavations related to the public system 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.

#### **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. All costs of new sewer extensions including but not limited to construction and engineering costs are the responsibility of the owner or developer. A completed sewer extension application must be submitted to the General Manager no later than 10 days before the next regularly scheduled Board meeting. The Board must either approve or deny the extension application within sixty (60) days. The General Manager shall then recommend approval or denial of

the application for extension to the Board by the next regularly scheduled meeting. The Board must either approve or deny the application within sixty (60) days. The completed extension application shall be supplemented with the following:

1. Initial sewer construction plans and specifications which have been designed and stamped by a professional engineer in the State of Montana;
  2. Final or preliminary plat, whichever is applicable showing the configuration of parceled land to be served by the sewer extension;
  3. Plans must show the proposed location of sewer mains, manholes, lift stations, and easements; and
  4. Preliminary construction schedule and estimated cost of construction.
- A. Preliminary Approval. If the application is approved by the Board, the General Manager shall notify the owner in writing that the application for sewer extension has been granted preliminary approval. Final approval is conditioned on plat and plan approval by the State of Montana, and other local units of government if applicable.
- B. Final Extension Approval. If an application has preliminary approval from the District, and written evidence has been provided to the District that the State of Montana has approved the extension plans and specifications, the General Manager is authorized to notify the owner in writing of final extension approval as "Authorization to Proceed" prior to the start of construction.
- C. Extension Application Denial. The Board may reject any application for a sewer 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 802 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. The District requires a pre-construction meeting with the developer, design engineer, and contractor before any work commences.

**Section 803 CONSTRUCTION INSPECTION.** Full time construction inspection is required by the District and shall be a condition of final acceptance by the District of the sewer extension. The District also requires a Professional Engineer responsible for the installation and inspection of the sewer extension, to certify in writing that the extension has been installed in accordance with the plans and specifications.

**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.

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 Ordinance. Final acceptance by the District shall be contingent on the following:

- A. Where feasible, provide an unobstructed 30 thirty 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. The developer must post security for the warranty period described in Section 805. The security may be in the form of either:
  1. Bond in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 805. The District will hold the bond for a period of two (2) years from the date that the sewer extension is formally transferred to the District; or
  2. Cash deposit in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 805. The District will hold the deposit in a segregated interest bearing account for two (2) years from the date of extension ownership conveyance.
  3. Letter of Credit in the District's name in the amount of 10% of the construction cost of the utility improvement for a period sufficient to cover the warranty period described in Section 805. The letter of credit must be for two (2) years from the date of extension ownership conveyance.
- 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.
- E. Transferring ownership of all sewer extension improvements to the District upon final inspection and acceptance by the District. The District will provide a "Agreement for Conveyance of Sewer Extension" to the developer which must be signed by the owner and the District. The District shall be responsible for recording the agreement.

Section 805 WARRANTY PERIOD. If within two (2) years of the date acceptance any work is found to be defective, the District shall be responsible for the repair or replacement of any defects at its sole discretion and may utilize the funds posted as security to pay for the repairs.

#### **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. These payments shall be charged back to the occurrence date of the industrial discharge as determined by the District.

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 to the public system. 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 discharge to the public system if the District believes that the discharge has harmed or has the potential for harming 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 applicable unit of government 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 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, and in accordance with the provisions of this Ordinance 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. 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 , 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, or incidents of unreported industrial discharges to the system 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.

A. Minor 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.

B. Major Fines & Penalties For Violation. 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.

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, or General Manager 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 the public system shall supersede Ordinance 96-1001 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 become effective on the date that the Board adopts the Ordinance.

Passed and adopted by the Board of Directors of the Big Sky County Water & Sewer District No. 363, State of Montana on the 20th day of July, 1999, by the following vote:

X  
YES

NO

Wendell O. Ingraham  
WENDELL INGRAHAM, President

X  
YES

NO

William F. Neece  
WILLIAM F. NEECE, Vice President

X  
YES

NO

Dee Rothschilder  
DEE ROTHSCHILLER, Secretary

X  
YES

NO

Paul 'Packy' Cronin  
PAUL 'PACKY' CRONIN, Director

X  
YES

NO

Jack Crowther  
JACK CROWTHER, Director

X  
YES

NO

Stewart Peacock  
STEWART PEACOCK, Director

X  
YES

NO

John 'Skip' Radick  
JOHN 'SKIP' RADICK, Director

ATTEST:

Dee Rothschilder  
Dee Rothschilder, Secretary

7/27/99  
Date

[ S E A L ]



# EXHIBIT A

**TABLE 3.0-1 LONG TERM COMPLIANCE WORK PLAN**

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

Revised 7/29/98

PROPERTY	COMMITMENTS		CURRENTLY OCCUPIED		CONDO ASSOC. (SFE)
	TOTAL	SFE	TOTAL	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) <sup>1</sup>					
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)	70	70.0	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 <sup>1</sup>	22	29.0	0	0.0	
Tract 6 BLK 2 <sup>1</sup>	50	65.9	0	0.0	
Tract 8 BLK 6 <sup>1</sup>	64	84.3	0	0.0	
Tract 11 BLK 4 <sup>1</sup>	60	79.0	0	0.0	
Hidden Village <sup>2</sup>	184	314.0	146	247.6	4.7
Blue Grouse Phase I & II <sup>3</sup>	147	196.2	8	10.8	
Sweetgrass Tract 2	82	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	--	47.8	--	47.8	
D. Commercial					
Meadow Village Minor #91 & COS 409 <sup>4</sup>	--	108.2		30.2	
Golf Course	--	5.4		5.4	
Tennis Courts (TR A-1) <sup>5</sup>	--	34.2	1	1.0	
Minor Sub-Camper Village	--	4.7		4.7	
SUBTOTAL FOR MEADOW VILLAGE AREA	1,364.00	2,183.0	608.0	933.6	27.3
IA. COMMITMENTS BY AGREEMENT/COURT ORDER					
A. Westfork Meadows <sup>6</sup>	--	448.0	--	157.6	--
B. Westland Projected Commitment <sup>7</sup>	--	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 <sup>8</sup>	97	155.0	--	--	--
SUBTOTAL FOR PENDING DEVELOPMENTS	186.0	297.4	-	-	-
MEADOW VILLAGE AREA SUBTOTAL	1,550.0	4,363.3	608.0	1,091.2	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) <sup>1</sup>					6.2
Hill-Cascade	180	180.0	180	136.8	
Skycrest-Cascade	303	388.6	36	53.05	
Tract 1-Cascade <sup>1</sup>	69	72.1	0	0	
Tract 2-Cascade <sup>1</sup>	108	111.2	0	0	
Tract 4-Cascade <sup>1</sup>	37	38.1	0	0	
Tract 5-Cascade <sup>1</sup>	338	348.1	0	0	
Tract 6-Cascade <sup>1</sup>	20	20.6	0	0	
Tract 7-Cascade (Fire Station)	--	6.8	1	1.84	
Tract 8-Cascade (Electrical Service Facility)	--	0.0			
Tract 9-Cascade (Water Storage Site)	--	0.0			
Tract 10-Cascade (Water Storage Site)	--	0.0			
Tract 12-Cascade <sup>1</sup>	--	31.0	0	0	
Areas 1-13-Cascade <sup>10</sup>	130.8	273.5	0	0	
Stillwater (Built Out)	63	67.0	63	67.0	
Beaverhead <sup>9</sup>	68	147.4	40	84.4	
Lake	135	156.5	45	57.95	
Arrowhead- Residential (Built Out)	24	52.0	24	52.0	
Arrowhead- Commercial (Built Out)	12	17.5	12	17.5	
Bighorn (Built Out)	70	108.6	70	108.6	
Shoshone (Built Out)	94	100.3	94	100.3	
C. Hotels and Motels					
Mountain Lodge- Condo A Rest./Bar (Cascade Tr. 3)	-	6.1	-	6.1	
Mountain Lodge- Condo B Lodge (Cascade Tr. 3)	84	49.5	84	49.5	
D. Employee Housing					
Dorm Space (156 beds)	85	39.0	85	39.0	
Married Housing	4	4.0	4	4.0	
E. Mountain Commercial Core (Built Out)	--		--		
Huntley Lodge- Guest Rooms (Built Out)	204	128.8	204	128.8	
Huntley Lodge- Commercial, Retail & Other	--	28.3	--	28.3	
Yellowstone Conference Center	--	39.55	--	39.55	
Mountain Mall	--	71.6	--	71.6	
Snowcrest Skiers Services	--	18.85	--	18.85	
Maintenance Shop	--	0.5	--	0.5	
Mtn. Commercial Core Subtotal	204	287.6	204	287.6	
MOUNTAIN VILLAGE AREA SUBTOTAL	2,594.8	3,550.2	1,169.0	1,401.3	6.2
SUMMARY TOTALS FOR ALL DEVELOPMENTS					
MEADOW VILLAGE AREA					
MEADOW VILLAGE	1,364.0	2,183.0	608.0	933.6	
CONDO ASSOCIATIONS		-		33.5	
COURT ORDER/AGREEMENT COMMITMENTS	-	1,882.9	-	157.6	
PENDING W/ PRIOR COMMITMENT	186.0	297.4	-	-	
TOTAL	1,550.0	4,363.3	608.0	1,124.7	-
MOUNTAIN VILLAGE AREA					
TOTAL	2,594.8	3,550.2	1,169.0	1,401.3	-
GRAND TOTAL OF LEGAL OBLIGATIONS					
	4,144.8	7,913.5	1,777.0	2,526.0	-

**FOOTNOTES:**

- 1 Condominium & Light Commercial tracts are estimated at 12 units per acre on undeveloped tracts at 1.03 SFE's per unit.
- 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.
- 9 Beaverhead- adjusted from 60 units to 68 units averaging 2.25 SFE's per unit, added 63 SFE's to existing 84.4 SFE's.
- 10 Areas 1-13- Covenants allow 2 single family units per acre, total of 64.522 acres assume 2.09 SFE's per residence.

C:\EXCEL\FILES\TABLE301.XLS

## SINGLE FAMILY EQUIVALENT UNIT CONVERSION SCHEDULE

PROPERTY USAGE <sup>1</sup>	SFEs PER UNIT <sup>3</sup>
Single Family Residences, Townhouses and Condominiums: <sup>2,3</sup>	
• Two bedrooms <sup>5</sup> or less	1.00
• Each bedroom in excess of two	0.40
• Each bath, or portion thereof <sup>6</sup> , in excess of two	0.20
• Private jacuzzi or hot tub, that drains to the public sewer system, 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 <sup>2</sup>	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: <sup>4</sup>	
• 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
Churches, conference/meeting/banquet rooms, and similar facilities <u>without</u> in-house food serving capacities per 1,000	.40
Churches, conference/meeting/banquet rooms, and similar facilities <u>with</u> in-house food serving capacities per 1,000 SF.	.50
Day-care centers, per unit of child care capacity	.05
Ski Rental Shops, per 1,000 SF	1.0
Travel Trailer Parks	
• Without individual water & sewer hook-ups, per space	.25
• With individual waster & sewer hook-ups, per space	.30
Undesignated commercial space, per 1,000 SF	.60

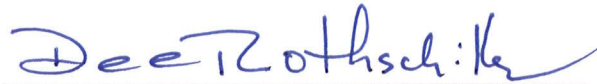
## **FOOTNOTES**

- 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.
- 5 A bedroom means any room or living space that can be used for the purpose of sleeping that includes a doorway and closet.
- 6 "Portion thereof" any portion of a full bath, or roughed in plumbing for a future bathroom.

### CERTIFICATION

The undersigned, Dee Rothschiller, hereby certify that I am the Secretary of the Big Sky County Water & Sewer District No. 363, and that the foregoing amended Ordinance 97-1001 was duly adopted on the third reading by the Board of Directors of the District at a regular meeting on July 20, 1999. I further certify that, upon a vote being taken on the Ordinance Amendment at said meeting, the following Directors voted in favor thereof: Wendell Ingraham, William Neece, Stewart Peacock, Jack Crowther, Skip Radick and Packy Cronin; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: Dee Rothschiller. I further certify that I signed the Ordinance as amended after the July 20, 1999 meeting as evidence of my support for the ordinance amendment.

Witness my hand and seal officially this 27<sup>th</sup> day of July, 1999.



Dee Rothschiller, Secretary