

ORDINANCE NO. 97-1001

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

WASTEWATER USE ORDINANCE

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TABLE OF CONTENTS

ARTICLE 1	DEFINITIONS	1
ARTICLE 2	USE OF THE PUBLIC SEWER SYSTEM	4
ARTICLE 3	CONNECTION PERMITTING AND REALLOCATION PROCEDURE	5
ARTICLE 4	SFE REALLOCATIONS	7
ARTICLE 5	INDIVIDUAL WASTEWATER TREATMENT SYSTEMS	8
ARTICLE 6	PUBLIC SYSTEM RATE, FEE AND CHARGE METHODS	9
ARTICLE 7	SEWER CONSTRUCTION & LATERAL CONNECTIONS	10
ARTICLE 8	WATER CONSERVATION	11
ARTICLE 9	SEWER EXTENSIONS	11
ARTICLE 10	INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM	13
ARTICLE 11	ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION	15
ARTICLE 12	VIOLATIONS & PENALTIES	15
ARTICLE 13	APPEALS	15
ARTICLE 14	VALIDITY	16
ARTICLE 15	EFFECTIVE DATE	16

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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 1 DEFINITIONS

Section 1.1 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.

"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.

"CAPACITY OBLIGATION" Prior to 2022, the District record for capacity obligations were presented in an exhibit attached to this Ordinance. However, each permit issued required the District to amend this Ordinance. In 2022, the District removed capacity obligation from the ordinance and shall report to the Board by resolution at least annually the capacity allocations made for the Systems. Further, for a time the District provided Density Guideline arising from zoning for Permits as an exhibit to the Ordinance. In 2022, the District removed the guidance. The District is not under an obligation to ensure availability for service capacity arising from enacted zoning.

"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 capacity 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 wastewater flow characteristics of a single-family residence within the District's sewer service area. The schedule of SFE allocations is attached to the District's Resolution of same topic.

"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.

"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.

"WARRANTY PERIOD" means a two (2) year period of time as it applies to new sewer extensions, or longer if required in the conveyance agreement.

"WASTEWATER" means the spent water of a community or person, and includes sewage, seepage, 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 2 USE OF THE PUBLIC SEWER SYSTEM

Section 2.1 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 2.2 PROPERTY OUTSIDE OF THE DISTRICT. The Board may by contractual agreement provide service to property located outside of the District boundary as allowed by law.

Section 2.3 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 non-conventional 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; or
 - d). Excessive discoloration.
8. Any discharge which would cause a violation of any MPDES permit, or discharge permit issued to the District.

Section 2.4 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 2.5 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 or written permission from the District.

ARTICLE 3 CONNECTION PERMITTING AND REALLOCATION PROCEDURE

Section 3.1 ISSUING CONNECTION PERMITS. The District will issue connection permits to projects or developments that are within the District.

Section 3.2 ALLOCATION OF CAPACITY. The District, in consultation with engineers will conduct periodic reviews to estimate the available facility treatment capacity (available capacity) for the public system. Based upon the available capacity, the Board will release SFEs for new sewer connection permits. Permits to connection to the public system will be issued 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 3.3 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 any point 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 3.4 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 3.5 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 in 11 x 17 inch format with the square footage of each floor clearly identified for review;
- B. Written architectural approval, if the property being developed is located within the Big Sky Owner's Association, Spanish Peaks Resort, Town Center, and other home owner associations that are subject to an architectural review;
- C. Estimated construction schedule showing the projected start and completion date;
- D. Review of District billing records to determine if the **applicant** has any unpaid charges or fees; and
- E. Any other plans, specifications, or information considered pertinent by the General Manager.

Section 3.6 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. Remodeling permits are not required for remodel projects on garages or non-livable spaces where the SFEs are not changed.

- A. Existing buildings that are connected to the public system shall not be required to pay either a surcharge, or impact fees on the reuse of currently used wastewater SFEs. If the remodeled or new structure requires SFEs in excess of those existing, then the remodeling permit would include all applicable permit fees for SFEs that exceed the existing total. If the new remodeling project results in less SFEs than the existing structure(s) these excess, or unused SFE's shall revert to the District.

Section 3.7 All increases must be approved by the District through its permitting process.

Section 3.8 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. All increases must be approved by the District through its permitting process.

Section 3.9 CONNECTION PERMIT APPROVAL. Complete connection permit applications and supplements required under Section 3.5 must be filed with the General Manager. The General Manager, or designated District staff shall then have the authority to approve applications for sewer connections for projects up to twenty five (25) SFEs that meet the criteria set forth in this Article. For projects that exceed twenty five (25) 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. After receiving a completed permit application, the District shall notify the applicant in writing that the application is conditionally approved. The Conditional Approval letter shall list or include the following:
 - 1. Any deficiencies for permit issuance such as, architectural approval letter or payment of outstanding charges or fees;
 - 2. Summary of the SFEs;

3. Total permit fees; and
4. Copy of the permit application

The owner shall have sixty days (60) days from the date of the Conditional Approval letter to submit all required documents and to pay all applicable fees. If the fees are not received within sixty (60) days, the application shall become null and void. 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.

- B. Final Approval and Permit Issuance. If 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.

Section 3.10 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 has delinquent fees or charges that have not been paid in full;
- C. Public system has reached allowable allocation of capacity as defined in Section 3.2;
- 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 3.11 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 the approved permit term to connect to the public system. 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 by the District 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, and the permit fee shall be refunded to the original applicant that paid the fee less \$100.

Section 3.12 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 4 SFE REALLOCATIONS

Section 4.1 BOYNE COURT ORDERED ALLOCATION: The Montana 18th Judicial District Court ordered, as judgment after trial, that the District hold in reserve SFEs for Boyne and its successors in interest. That obligation remains in full force and effect until satisfied.

Section 4.2 UNUSED SFEs. SFEs are permitted and allocated to parcels of land according to ARTICLE 3 and are used for permitting developments. Any unused SFEs revert back to the District.

Section 4.3 NON-TRANSFERABILITY OF PRIVILEGE TO CONNECT. Any person who owns land within the District and the land is a "capacity obligation" of the District, may not assign, transfer, or in

any other way convey his privilege to capacity and connection into the public system.

- A. Exceptions. The District board, at its discretion for good cause shown, may allow a land owner to forfeit SFEs back to the District. The District may then use forfeited SFEs for projects that are associated with public health and safety, such as providing fire service, law enforcement, emergency life support services; or for community non-profit facilities. The land owner may request use of allocated SFEs to lands within the District for which no charge, fee, assessment or agreement for payment is entered.
- B. SFE Reallocation Application Fees. The District Board may charge a fee for approved SFE Reallocation applications.
- C. Board Action.
 - 1. 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. At the discretion of the Board, the Board must approve or deny the request for reallocation within 60 days of being informed by the General Manager of the application.
 - 2. 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.
 - 3. If the Board approves the application for reallocation, it shall provide a written approval to the applicant within 30 days of taking such action.
 - 4. The District will not issue a connection permit or consider the reallocation final until the reallocation application has been approved by the District Board and any applicable fees and charges have been paid in full.
 - 5. If an application for reallocation of SFE's is approved by the Board, the General Manager shall maintain a written cumulative record of the approved SFE reallocations.

ARTICLE 5 INDIVIDUAL WASTEWATER TREATMENT SYSTEMS

Section 5.1 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 capacity obligation after the date of enactment of this Ordinance, except as provided for in paragraph B. below.
- B. Exceptions. A person may install an individual wastewater treatment system if a sewer main for the public system passes more than **500 feet** from any point on 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. Subject to written notice from the District, 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; or
 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 5.2 INSTALLATIONS. The type, capacities, location, and layout of an individual wastewater treatment system shall comply with all requirements of the Department, Gallatin and/or 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 5.3 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. All septic tank wastewater pumped from septic tanks within the District boundary must be taken to the District's wastewater treatment facility for treatment, unless the district allows septage to be hauled to out of the District.

ARTICLE 6 PUBLIC SYSTEM RATE, FEE AND CHARGE METHODS

Section 6.1 POLICY. It is the policy of the District to obtain sufficient revenues to pay all costs of the operation, maintenance & replacement (OM&R), and debt service when applicable for the public system through a system of user fees as defined in this Article.

Section 6.2 USER FEE METHOD. The user fee method shall assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of facilities.

A. 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 metered water as the basis for charges. The fixed and variable costs for the public system OM&R shall be allocated to all residential and commercial users of the sewer system on the basis of metered water. In the event that a meter is not available then SFE's shall be used as the basis for billing.
2. **Surcharges for Strength.** All users whose wastewater exceeds normal strength wastewater shall pay a surcharge. Normal domestic strength wastewater is defined as follows:

Waste Category	Concentration, mg/l	
	BOD	SS
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 6.3 ESTABLISHING RATES, FEES AND CHARGES. All rates, fees and charges for the public system shall be set by the Board by separate Resolution adopted 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 6.4 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 6.5 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 6.6 PAYMENT OF USER FEES. User fees are due and payable forty five (45) days after the billing date and become delinquent forty six (46) days after the billing date.

Section 6.7 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 6.8 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) days overdue pursuant to Montana law, 7-13-2301, MCA.

ARTICLE 7 SEWER CONSTRUCTION & LATERAL CONNECTIONS

Section 7.1 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 one (1) business day 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 if required by the District, 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 7.2 USE OF OLD SEWER LATERALS. Old sewer laterals may be used in connection with new buildings only when approved by the District. Approval shall be in the form of a written letter from the District to the owner or contractor.

Section 7.3 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 7.4 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 wherever possible. In all buildings in which any building drain is too low to permit gravity flow to the public system, sewage shall be lifted by an owner provided and District approved method and discharged to the sewer lateral. All maintenance of wastewater lift stations or grinder pumps will be provided by the owner or an owner's association unless otherwise agreed upon in writing by the District.

Section 7.5 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 if the District so requires in writing. 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 7.6 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 7.7 SEPARATE CONNECTIONS. A separate and independent sewer lateral shall be installed for every building that is connecting to the public sewer system. 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 7.8 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 7.9 BARRICADES & RESTORATION. All excavations related to the public system shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

ARTICLE 8 WATER CONSERVATION

Section 8.1 WATER CONSERVATION. Water conserving plumbing fixtures shall be required in all new construction and remodeling. All plumbing fixtures must meet all District, state and federal plumbing code requirements.

ARTICLE 9 SEWER EXTENSIONS

Section 9.1 SEWER EXTENSIONS.

A. **SEWER EXTENSIONS.** A person may not commence sewer extension work without prior written approval from the General Manager of the District. 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. The General Manager 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 be complete and show all proposed sewer mains, manholes, lift stations, and easements;
 4. Engineering design report if applicable; and
 5. Preliminary construction schedule and estimated cost of construction.
- B. **Conditional Approval.** If the application is approved by the General Manager, the Manager shall notify the owner in writing that the application for sewer extension has been granted conditional approval with the conditions listed.
- C. **Final Extension Approval.** An extension application is considered final when:
1. The plans have a conditional approval letter from the District, and
 2. Written evidence has been provided to the District that the State of Montana has approved the extension plans and specifications.

The General Manager is then authorized to notify the owner in writing of final extension approval as "Authorization to Proceed" prior to the start of construction and as notice to schedule a pre-construction meeting.

- D. **Extension Application Denial.** The General Manager 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 9.2 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 construction, 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 9.3 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 approved plans and specifications.

- A. The project inspector shall be responsible for inspecting all mainline work including but not limited to sewer pipe, manholes, service wyes, service stubs, and cleanouts. Inspector shall keep field notes and take construction photos to document the installation. Inspector shall also witness and document all pressure tests.

Section 9.4 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 9.5 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, the developer must provide an unobstructed thirty (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. The developer must post security for the warranty period. The security may be in the form of

either:

1. Cash deposit in the amount of 10% of the construction cost of the utility improvement for the warranty period. The District will hold the deposit in a segregated interest bearing account for two (2) years from the date of extension ownership conveyance.
 2. Letter of Credit in the District's name in the amount of 10% of the construction cost of the utility improvement for the warranty. The letter of credit must be for two (2) years from the date of extension ownership conveyance.
- C. TV inspecting all sewer mains and sewer lateral services according to Montana Public Works Standard Specifications. A copy of all videotapes and video reports shall be furnished to the District. The District shall review the videotapes before final acceptance of the system.
- D. One complete set of stamped as-built mylars showing all new sewer mains, manholes and 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 or higher, all applicable O&M manuals, as-builts in a PDF file format standard.
- E. GPS coordinates for all manholes, cleanouts, fire hydrants, water valves, corporation stops, air relief valves, pressure reducing vaults, and blow-offs. Acceptable formats are latitude and longitude, Montana State Plane, or UTM NAD 83 Zone 12 coordinates in meters or feet.
- F. Transferring ownership of all sewer extension improvements to the District upon final inspection and acceptance by the District. The District will provide an "Agreement for Conveyance of Sewer Extension" to the developer which must be signed by the developer and the District. The District shall be responsible for recording the agreement and the recording costs.

Section 9.6 WARRANTY PERIOD. If within two (2) years of the date acceptance as noted on the Conveyance Agreement, 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 or letter of credit posted as security to pay for the repairs.

- A. If the District decides to repair the problem, the developer must be notified in writing with a description of the problem and an estimate for the repair cost. The District and developer may subsequently negotiate who will do the work to correct the problem to the satisfaction of the District.
- B. Exceptions. The District may require shorter or longer warranty periods in the Conveyance Agreement on a case by case basis if the scope of the extension and/or environmental site conditions warrant it in the judgment of the District.

ARTICLE 10 INDUSTRIAL DISCHARGES TO PUBLIC SYSTEM

Section 10.1 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 2, 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 10.2 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 10.3 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 2.3, 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 10.4 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 10.5 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 10.6 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 10.7 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 10.8 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 and the District requests plans to review. No construction of such facilities shall commence until said approval has been granted.

ARTICLE 11 ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION

Section 11.1 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 11.2 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 12 VIOLATIONS & PENALTIES

Section 12.1 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 12.5.

Section 12.2 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 12.3 VANDALISM AND NEGLIGENCE. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, bury, deface, or tamper with any structure, appurtenance or equipment which is part of the public system. Failure to notify the District in the event of accidental damage to any District property as defined above may result in fines authorized herein and established in separate resolution.

Section 12.4 INJUNCTION. The District may seek an injunction against any person violating any provision of this Ordinance.

Section 12.5 FINES & PENALTIES FOR VIOLATION. The District may seek a fine or imprisonment, or both, against any person violating any provision of this Ordinance. The amount of a fine will be determined by the damage and liability that has been or potentially might be incurred by the District. The District's schedule for fines and penalties for Minor and Major infractions is authorized by this Ordinance and set forth in a separate resolution.

ARTICLE 13 APPEALS

Section 13.1 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 14 VALIDITY

Section 14.1 SUPERSEDING PREVIOUS ORDINANCES. This Ordinance governing the public system shall supersede Ordinance 96-1001 of the District.

Section 14.2 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 14.3 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 15 EFFECTIVE DATE

Section 15.1 DATE OF EFFECT. This Ordinance shall become effective on the date that the Board adopts the Ordinance.

===== END =====

As amended by the Board of Directors of the Big Sky County Water and Sewer District No. 363, State of Montana, on this 15th day of March, 20 22 by the following vote: 4 Ayes 1 Nays 1 Abstains.



Tom Reeves
President, Board of Directors

ATTEST:



Richard Fast
Secretary, Board of Directors

